

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**October 30, 2014**  
*Work Session*

**AGENDA & MINUTES**

	<b>Page #</b>
1) <b>Dino Rentoulis – Site Plan Application Public Hearing</b>	1 – 6
2) <b>RP Development – Lot Line Adjustment</b>	6 – 18
3) <b>Illescas W/W Permit Application</b>	18 – 26
4) <b>Frank’s Automotive, LLC – Sign Application</b>	26 – 43
5) <b>859 Fair Street Realty – Site Plan Waiver</b>	43 – 50
6) <b>Frog Hill LLC – Site Application</b>	50 – 57
7) <b>Fox Run Active Adult Residential Development – Environmental Form Review</b>	58 70 – 118
8) <b>Other Business</b>	
a. <b>Mancini Subdivision – SEQRA</b>	58 – 64
b. <b>Minutes</b>	64
c. <b>2015 Meeting Schedule</b>	64 – 69
d. <b>Boniello/Empire Tool</b>	69
e. <b>Pond Repairs on South Quaker Hill Road</b>	69 – 70

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PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars McNulty, Chairman  
Mary Bodor, Vice Chair  
Marianne Burdick  
Michael Carinha  
Stephanie Fox

**PLANNING BOARD**

Thomas E. McNulty, Chairman  
Ron Taylor, Vice Chair  
Michael Montesano  
Edward J. Brady Jr.  
Robert F. Ladau

**Planning Board  
October 30, 2014 Work Session Meeting Minutes**

Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

Present were: Chairman Thomas E. McNulty, Board Member Ron Taylor, Board Member Edward J. Brady Jr., Board Member Michael Montesano, Board Member Robert Ladau, Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector and Ron Gainer, Town Engineer

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

**1) DINO RENTOULIS – Site Plan Application Public Hearing**

Chairman McNulty stated we have a public hearing for Alpine this week, correct.

Rich Williams stated that is correct.

Chairman McNulty stated okay. And I see Ron made some notes for the Alpine.

Rich Williams stated Ron made...

Chairman McNulty stated Rich made notes as well.

Ron Gainer stated no. Just Rich. Mine was...

The Secretary stated Frog Hill.

Ron Gainer stated Frog Hill.

Chairman McNulty stated Frog Hill. Sorry. I'm seeing...I see Harry's plans, I get fudged up.

Rich Williams stated yeah, no, I reviewed the application. There's still a few cleanup items that, you know, Harry has not address that were identified quite some time ago. You know, when I throw a comment out

there about the Board should confirm the Applicant does not wish to have signage indicating the parking is for patrons of the Alpine Restaurant, I'm kind of expecting that the Applicant's going to take that to heart and say, geez yeah, I would like it, or no I wouldn't. Not just comment no to it which is what Harry did, so, you know...

Chairman McNulty stated yup.

Rich Williams stated these comments, in order to wrap this thing up, we really need to hammer, you know, to pin Harry down about, you know, how they're going to address it.

Chairman McNulty stated well, I know he sent the new plan. And he showed the lights moved.

Rich Williams stated he showed the lights moved, he showed the stop sign...

Chairman McNulty stated sign...

Rich Williams stated moved around a little.

Chairman McNulty stated that's about all...the only changes I saw.

Rich Williams stated yeah.

Chairman McNulty stated but we didn't ask him for much, other than that. Other than listing the plantings.

Rich Williams stated which he hasn't...

Chairman McNulty stated he didn't...

Rich Williams stated done.

Chairman McNulty stated yup.

Rich Williams stated and, you know, there's a couple of additional details that I've asked for.

Chairman McNulty stated the radius of the curbing at the driveway, had you asked for that previously.

Rich Williams stated no, I hadn't asked for that before and the two remaining details I hadn't asked for before, but, you know, looking at the plan, it would help to know what the radius...Whoever's going to build this needs to know what that radius is going to be rather than try to guess of the plans.

Ron Gainer stated and they are minor things.

Rich Williams stated yeah, they are very minor.

Ron Gainer stated just going to do it.

Chairman McNulty stated it's actually for the construction of it. So the...Whoever's doing the work knows what we're looking for.

Rich Williams stated that's right.

Chairman McNulty stated yeah.

Rich Williams stated other than that, the only really big issue that he needs to wrestle with is the, you know, I suggested to the Board and to the Applicant and John...and his representative a couple meetings back, indicated it would be acceptable, and that's to have an easement on the property tying the two properties together so that we know that, you know, we're going to go through this whole process and say, okay, you can have additional capacity at the restaurant and the restaurant's going to open and then they're going to take the parking away. Then, you know, then we're in a, you know, a fight with the new owner of the restaurant and we don't want to be there. So, there needs to be some sort of easement tying the parking together with the restaurant.

Chairman McNulty stated how difficult will that be considering the history with the...

Rich Williams stated it shouldn't be difficult at all for an attorney to draft up an easement and file it.

Chairman McNulty stated okay. Now that...The current driveway through there, between [Route] 22 and Birch Hill...

Rich Williams stated mmhmm.

Chairman McNulty stated well, that's not Birch Hill Road, but...

Rich Williams stated it's owned by somebody else and not an issue at all in this plan.

Chairman McNulty stated but the easement across that is no issue.

Rich Williams stated we're not asking for an easement across that. We're asking for an easement to tie the parking to the restaurant.

Chairman McNulty stated oh, I got you. Would that easement go away if the other parcel...If one parcel sold, or it would always stay.

Rich Williams stated it would always stay. And that's the concern.

Board Member Montesano stated that's the concern.

Chairman McNulty stated mmhmm.

Board Member Brady stated right.

Chairman McNulty stated well, that's not something they have to do but we want to urge them to get that.

Board Member Taylor stated no, I'd...

Rich Williams stated I would be reluctant to...

Board Member Taylor stated I think we want to require them to get it.

Board Member Brady stated yeah.

Board Member Montesano stated yeah.

Board Member Brady stated I think so.

Board Member Montesano stated if you don't get it, you don't get an approval.

Chairman McNulty stated so, if they didn't get an easement...

Board Member Montesano stated they wouldn't get an approval.

Rich Williams stated then you would approve the site plan...

Chairman McNulty stated mmhmm.

Rich Williams stated again, they could then open the restaurant with 188 seats in it, sell the parking lot off, prohibit any restaurant owner from using it and now we've got a condition where we've got a restaurant that doesn't have enough parking to address the seating capacity of the restaurant and we would have to start an enforcement action against the restaurant owner. It's not a place the Town wants to be.

Chairman McNulty stated no. Okay. And those circumstances it protects us for sure. Okay. And we did mention that earlier in a meeting, didn't we.

Rich Williams stated motion to adjourn [referring to the fact that Ted Kozlowski walking into the meeting].

Board Member Montesano stated second.

Ted Kozlowski stated good.

[Laughter]

Ted Kozlowski stated I can go eat dinner.

Chairman McNulty stated hello, Ted.

Ted Kozlowski stated guys.

Rich Williams stated I'm sorry, Tom. What was that.

Chairman McNulty stated we did mention that earlier in a meeting, didn't we. Didn't you bring that up.

Board Member Brady stated yes. It was brought up.

Rich Williams stated we did bring it up.

Board Member Taylor stated we agreed to it.

Rich Williams stated and we agreed they would do it.

Board Member Taylor stated yeah.

Board Member Brady stated yeah.

Chairman McNulty stated yeah.

Board Member Montesano stated yeah. And we haven't seen it yet.

Board Member Taylor stated we just need to see that.

Board Member Brady stated yeah, it actually seemed like they felt it was a good idea to do that.

Board Member Taylor stated yeah.

Chairman McNulty stated okay. So we'll see at the public hearing and anybody have any comment on it.

Board Member Brady stated no, it would just be nice to see it get done and the restaurant get opened up in there and get some business in there.

Chairman McNulty stated yeah. Okay. Rich, anything else you have.

Rich Williams stated no, Sir.

Chairman McNulty stated oh, the performance bond. We haven't talked to Harry about that at all, have we.

Rich Williams stated no we haven't. But once we get the details all wrapped up and he's going to give us a performance bond calculation. It's an erosion control bond so it's not going to be a big number and, you know, it's not going to be something that's going to require an extensive review. You see that.

The Secretary stated yes.

Ted Kozlowski stated I asked for permission.

Rich Williams stated okay.

Ted Kozlowski stated we made eye contact.

Chairman McNulty stated well, we should bring it up and urge it at this meeting just so he gets on...Gets moving on it.

Rich Williams stated well, that's why I sent the memo.

Chairman McNulty stated yeah, okay.

Rich Williams stated just kind of prompt him along.

Ted Kozlowski stated for your record [referring to a letter he handed the Secretary].

The Secretary stated thank you.

Chairman McNulty stated okay.

Rich Williams stated did he...Did Teddy sign this one [referring to a letter Ted Kozlowski wrote].

The Secretary stated yeah.

Rich Williams stated okay.

## **2) RP DEVELOPMENT – Lot Line Adjustment.**

Chairman McNulty stated RP Development.

Board Member Taylor stated which is.

Chairman McNulty stated a lot line adjustment.

Rich Williams stated yes. This is a new application. It's a...

Chairman McNulty stated a little confusing looking at it...

Rich Williams stated yeah.

Chairman McNulty stated and not knowing any history here.

Rich Williams stated it's on the west side of the Putnam Lake area. Involves some of the lots of the original Putnam Lake subdivision and the larger lot that was outside of the Putnam Lake subdivision. You know, he's proposing to adjust the property boundaries.

Chairman McNulty stated can you give an idea where in Putnam Lake this is. You said...I was trying to get an...

Rich Williams stated yes.

Chairman McNulty stated 65. Is that East Branch Road.

Board Member Brady stated thank you [referring to paper clips the Secretary gave him].

The Secretary stated you're welcome.

Rich Williams stated well, you go over to Haviland Road. You go up Empire Road...

Chairman McNulty stated mmhmm.

Rich Williams stated which is a left-hand turn off of Haviland Drive. You go as far as you can go on Empire. You go left and you go as far as you can on Hazel.

Chairman McNulty stated and there's one house back in there.

Rich Williams stated well there's a lot of houses back in there. But there's this on particular house at the end.

Chairman McNulty stated and what's the goal of...Just to expand the property on this one smaller lot.

Rich Williams stated I think they're trying to give that smaller lot a little bit of property and they're going to use the larger lot. They had proposed a subdivision a number of years ago and, you know, the...it was a challenged lot for sure.

Chairman McNulty stated is it steep up there. Is it hilly.

Rich Williams stated it's not so much steep but it's very linear.

Chairman McNulty stated mmhmm.

Rich Williams stated you know. So to try to break it up into lots was difficult and there's a huge wetlands system on the east side of the property. So I think the goal is just they're going to break this piece off and then they're going to propose a single family home out there.

Chairman McNulty stated and is there an access to Lot 2; the larger lot.

Rich Williams stated well...

Chairman McNulty stated because I saw your memo about the road...

Rich Williams stated right.

Chairman McNulty stated and improving it.

Rich Williams stated Hazel Drive comes right up to the end and doesn't quite go far enough to provide them access. So if they're going to do, they're some hoops that they're going to have to jump through to get, you know, to get approval to build on that lot.

Chairman McNulty stated okay, so this area here is the new lot line.

Rich Williams stated yes.

Chairman McNulty stated and they're going to remove...Is it supposed to come all the way through like this to here. I just want to understand it. This is the existing lot, right [referring to the proposed lot line adjustment plans]. And they're going to expand lot 1 to go to here.

Rich Williams stated this is a lot and then this is a lot.

Chairman McNulty stated okay.

Rich Williams stated alright. What they're going to do is they're going to take this little section and give it to this lot so this lot has access. Two Hazel...

Chairman McNulty stated this little place right here.

Rich Williams stated to Hazel Drive...Yes. To Hazel Drive...

Chairman McNulty stated okay.

Rich Williams stated if they can get Hazel Dive back to here. Alright.

Chairman McNulty stated okay.

Rich Williams stated and that will give them access into the back and then they're, you know, doing this to give this little house more lot area.

Board Member Taylor stated this doesn't front Hazel Drive here.

Chairman McNulty stated this is Hazel Drive. See this little section.

Rich Williams stated that's Hazel Drive right there.

Chairman McNulty stated it runs right here.

Board Member Taylor stated why don't they run it in through here.

Chairman McNulty stated well these are all lot.

Board Member Taylor stated but it's part of their lots.

Rich Williams stated those are all...It's all a big wetlands system and a stream right there.

Board Member Taylor stated oh, oh. So that's why...

Chairman McNulty stated oh.

Ted Kozlowski stated well, this is....

Board Member Taylor stated okay. Okay.

Board Member Brady stated because I was thinking, man, why not divide it into a bunch of lots and sell them off.

Chairman McNulty stated no, this isn't near the church.

Rich Williams stated no, it's not near the church.

Ted Kozlowski stated (inaudible) this isn't the same thing.

Chairman McNulty stated no, no. It's a different one.

Board Member Taylor stated okay. So, they have to do that in order to get in there then.

Rich Williams stated right.

Board Member Taylor stated they can't come in from...

Rich Williams stated no, there's no way to come in from this way.

Board Member Montesano stated well, even with this going on, are they going to have enough road frontage to put anything in there.

Rich Williams stated no.

Board Member Montesano stated that's what I was...Because it stops here, doesn't it; Hazel [Drive] itself.

Rich Williams stated no.

Chairman McNulty stated it looks like it stops at this house.

Rich Williams stated Hazel goes right down...Where the heck are you. Hazel stops right there. See the line.

Board Member Montesano stated oh, ok.

Rich Williams stated that's where Hazel stops. So it doesn't go all the way down to here so that's what I put in the memo. Hazel has to be extended down to Town Road standards...

Chairman McNulty stated mmhmm.

Rich Williams stated and they still don't have frontage because our Code says that frontage is a contiguous piece on the front of the road that you get access from.

Board Member Taylor stated so they can't count this as frontage.

Rich Williams stated no.

Board Member Brady stated and what do you need for frontage. You need 100'.

Rich Williams stated no. It's not that much in Putnam Lake but...

Chairman McNulty stated well, why wouldn't they be able to count that even though they can't...

Rich Williams stated it's more than 25 feet.

Board Member Taylor stated because he said it's got to be contiguous.

Board Member Montesano stated can they get...

Chairman McNulty stated oh, and it breaks it up.

Board Member Montesano stated if they came in and say they will pay for extension of Hazel Drive, let's say 75 feet from where it ends now, then they'd have all the frontage they can give.

Rich Williams stated they would have frontage but they still wouldn't have sufficient frontage so they'd still need an area variance.

Board Member Montesano stated okay.

The Secretary stated 75 feet.

Chairman McNulty stated so this guy is...

Board Member Montesano stated it will be a lot of money.

Ron Gainer stated what is it, Sarah.

The Secretary stated 75 feet for frontage. (Referring to minimum road frontage required in RPL-10 Zoning District).

Chairman McNulty stated alright. (Inaudible) one, two, three, four, five, six lots of this guy's current property.

Board Member Brady stated 75 foot.

The Secretary stated yup.

Chairman McNulty stated and he's going to give up one lot and take this area.

Board Member Taylor stated yeah.

Board Member Brady stated and I'm missing something here. I'm looking at this lot that's 93.80; that's the little lot with the house on it.

Rich Williams stated yes.

Board Member Brady stated that's got the drive...the road going to it already.

Rich Williams stated right.

Board Member Montesano stated right.

Board Member Brady stated okay. They want to tie this into this lot 2. Is that what they're trying to...

Rich Williams stated what they want to do is this is the...Can't do this with glasses with curve. This is the existing lot for the small house.

Board Member Brady stated okay.

Rich Williams stated they're going to take a piece of the lot from the small house and give it...

Chairman McNulty stated well, I'm doing that, but what does that do for Lot 2.

Rich Williams stated and give it to the big lot so they have access to the back.

Board Member Brady stated okay. And then that's going to kill the road frontage.

Rich Williams stated well, no. I mean, they still have road frontage. They don't have... This house does not have sufficient road frontage to begin with, right.

Board Member Brady stated right.

Rich Williams stated so, this is one of those that was built. This is the road, this is where it ends.

Board Member Brady stated right.

Rich Williams stated they're going to have to extend this down to here so that they can then get a driveway...

Board Member Brady stated right, right, right.

Rich Williams stated into the back to put a single family home back there. They can put a nice single family home back there with horses and such. Whatever they want...

Board Member Montesano stated but they still got to come in...

Ted Kozlowski stated well, that abuts that horse farm, right.

Rich Williams stated yes.

Chairman McNulty stated on the west side.

Board Member Montesano stated they've got to come in and get a variance because...

Chairman McNulty stated to the left.

Ted Kozlowski stated yeah, where it says Parker.

Board Member Montesano stated this... They need 75 feet at least [referring to road frontage].

Rich Williams stated right.

(Inaudible – too many talking).

Board Member Montesano stated so if they were to come in and go from here...

Board Member Brady stated right. They need 75 feet...

Chairman McNulty stated I don't see part... Oh, okay.

Board Member Brady stated they're taking out this 20 foot lot here and...

Chairman McNulty stated so the second lot, Lot 2...

Board Member Brady stated and they need another 50 to 55 feet.

Board Member Montesano stated right. So they got to go get a variance.

Chairman McNulty stated and it could be a single-family residence, that's it.

Rich Williams stated right.

Board Member Montesano stated that's crazy. What are you going to do.

Chairman McNulty stated so I don't see a big problem making this change if it's...Thinking ahead for the consequences; doesn't seem to really be any.

Board Member Taylor stated well, except they got to go through this whole thing otherwise they're segmenting it, right. They're segmenting the process.

Rich Williams stated well, they've got to do this lot line adjustment so they have frontage. After that, they come in, they build the road out. They pull a building permit and they go to town.

Chairman McNulty stated but the frontage is only a driveway width, it looks like. Or a lot width.

Board Member Taylor stated well, that's what I'm saying go to Town: they go to the Building Department. They don't go come back to us, right.

Rich Williams stated right.

Board Member Taylor stated but they're...This is a subdivision right now, right.

Rich Williams stated no. It's a lot line adjustment.

Chairman McNulty stated but you mentioned about a subdivision on this property.

Rich Williams stated they had proposed a subdivision years ago and in evaluating the subdivision, they found a lot of environmental constraints. A lot of reasons that it didn't work.

Chairman McNulty stated so it didn't really...

Rich Williams stated and so...

Chairman McNulty stated completely.

Rich Williams stated and so they never pursued it further.

Board Member Montesano stated now, can we legally give them, or do we have to wait for them to go to the Zoning Board, to get an approval.

Rich Williams stated for what.

Board Member Montesano stated well, we're going to allow them to subdivide the lot...

Rich Williams stated okay...

Board Member Montesano stated right.

Rich Williams stated you're doing a lot line adjustment. You're not creating a new lot; it's not a subdivision.

Board Member Montesano stated okay. We're going to give them a lot line adjustment that's going to create an opening for them to put something back there eventually. But then they've got to go to the Zoning [Board of Appeals]. Okay. I just wanted to make sure we're not going to have to wait for them to tell us it was okay.

Chairman McNulty stated just curious, if they have to extend Hazel Drive down to reach this last lot they're taking over, why couldn't they just extend it and reach the frontage that they had. Something's not making sense to me.

Board Member Brady stated money.

Rich Williams stated what frontage do they have.

Chairman McNulty stated over here.

Board Member Taylor stated they got all the way down to here...

Chairman McNulty stated if they have to extend this road from here to here...

Rich Williams stated right.

Chairman McNulty stated why not just extend it from here to here.

Rich Williams stated they don't own that property.

Chairman McNulty stated oh, they don't own this property.

Rich Williams stated this is the end of the Putnam Lake subdivision right here. This is somebody else's property.

Chairman McNulty stated alright. It's not listed. Okay. Oh, Carpentino, I guess [referring to the land owner's name]. Got you. Got you. So that's where they could gain access.

Board Member Brady stated but...

Chairman McNulty stated I understand.

Board Member Brady stated isn't there an...a right-of-way there past the end of Hazelnut [Board Member Brady meant Hazel Drive]...

Rich Williams stated no.

Board Member Brady stated to continue that driveway. No, there isn't.

Rich Williams stated no.

Board Member Brady stated so it's just a...it's been dead end and that's it. So...

Chairman McNulty stated without the surroundings laid out, it's hard to tell. [Referring to the proposed plans]

Board Member Taylor stated yeah.

Board Member Brady you're better off working out a deal with...

Chairman McNulty stated so this guy must be landlocked.

Board Member Brady stated the neighbor.

Board Member Taylor stated not unless you run it over there.

Chairman McNulty stated Carpentino here.

Board Member Montesano stated then Hazel will end this way.

Rich Williams stated yeah.

Chairman McNulty stated is there a road to access that property. Does it come from the west.

Rich Williams stated it comes from East Branch.

Chairman McNulty stated okay.

Board Member Taylor stated he's coming in from down here, maybe.

Chairman McNulty stated yeah, it's not shown.

Board Member Taylor stated he's connected to here. They don't have those...They don't show the boundaries of these properties.

Chairman McNulty stated okay. I know we just did a lot line. We have to do SEQRA on this, don't we. It's un...

Rich Williams stated we do. That's one of the...I think I need to talk about with the Board.

Chairman McNulty stated where's my chart.

Rich Williams stated huh.

Chairman McNulty stated where's my chart.

Rich Williams stated where's your chart.

[Laughter].

Board Member Montesano stated Tommy, behind you. Right in my box.

Chairman McNulty stated no. It's right here.

Rich Williams stated typically, a lot line adjustment is a very simple one-step process and typically the applicant is going to submit an environmental assessment form with the application materials.

Chairman McNulty stated in this case...

Rich Williams stated in this case the applicant didn't submit an environmental assessment form.

Chairman McNulty stated mmhmm.

Rich Williams stated rather than wait for the meeting and tell him geez, you need to do that and delay this for a month, I actually prepared the environmental assessment form. So if he's okay with it or they're okay with it, and the Board's okay with it then, you know, we can move this forward. Otherwise, you know, you're going to have to decide how you want to move forward on this.

Chairman McNulty stated you're saying if he's okay with this EAF.

Rich Williams stated yeah. And then...

Chairman McNulty stated the short version.

Rich Williams stated and the answers that I have provided in there, then he should sign off on it. The Board should sign off on it. I'll sign off as the author. And, you know, we can move this at the next meeting and he can go back to his surveyor, get the few items cleaned up that he needs to and we're done.

Chairman McNulty stated we don't need a pub...Do we need a public hearing on this. No.

Board Member Taylor stated it's too small...

Rich Williams stated no public hearing on this.

Chairman McNulty stated yeah. What's that.

Rich Williams stated no public hearing.

Board Member Brady stated so then after that he would have to go to the Building Department and the Building Department would tell him that he doesn't have the frontage...he has to bring Hazelnut...Hazel Drive down.

Rich Williams stated correct.

Board Member Brady stated and...Yeah. Okay.

Rich Williams stated and then he would still need to go to the ZBA and it's not segmentation, Ron, because an area variance pursuant to this type of an application isn't subject to SEQRA.

Board Member Brady stated that damn SEQRA.

Board Member Taylor stated alright, I was confused. Lot 1 and 2 already exist.

Rich Williams stated they do.

Board Member Taylor stated okay. That's where the subdivision was in the past then. I was...thought he was carving Lot 1 out of Lot 2 and then annexing it so...Yeah. I see that. So this is not a suburban neighborhood.

Rich Williams stated I would consider it a rural neighborhood.

Board Member Taylor stated okay.

Rich Williams stated I consider most of Patterson still rural. I don't consider it Long Island.

Board Member Ladau stated except for Front Street.

Board Member Taylor stated except...

Rich Williams stated except for maybe Front Street.

Board Member Taylor yeah. And it's Putnam Lake, you know, so...

Chairman McNulty stated yeah, but it's up against a horse farm in Putnam Lake.

Board Member Taylor stated what do you call Putnam Lake. I mean, it's half way in between, right.

Rich Williams stated well, half way in between is ex-urban.

Board Member Brady stated but Putnam Lake, that's rural.

Rich Williams stated there's not a box there for that.

Board Member Taylor stated yeah.

Chairman McNulty stated okay.

Board Member Montesano stated picky, picky, picky, picky.

Chairman McNulty stated you expect them in this week. Or...

Rich Williams stated next...

Chairman McNulty stated Thursday.

Rich Williams stated yes. Next Thursday.

Chairman McNulty stated okay.

Board Member Taylor stated I don't see any problems with it.

Chairman McNulty stated I don't see any big problems either. We can review the EAF. I don't...

Board Member Taylor stated I just reviewed it.

Chairman McNulty stated okay.

Board Member Taylor stated that's what I said. I don't see any problems with the EAF except for the...I would have checked the suburban box but that's...

Rich Williams stated potato, potato.

Board Member Taylor stated yes, exactly. This is too small of a thing to worry about.

Chairman McNulty stated you have anything, Ted, on this. Are you familiar with the property.

Ted Kozlowski stated no. I was wondering is this going to be a late night email from Ron.

Board Member Taylor stated no. No, there will not be.

Ted Kozlowski stated on the definition of suburbia.

Board Member Taylor stated no, no, no.

[Laughter].

Board Member Taylor stated as we were instructed by our lawyer at the last meeting, we have to go with our gut.

Chairman McNulty stated yeah.

Board Member Taylor stated so that's what we will do: We will go with our gut.

Ted Kozlowski stated what was that, Tom. I'm sorry. I wasn't...I was reading something...

Chairman McNulty stated that was RP Development.

Ted Kozlowski stated oh, I'm not familiar with it so I'll take a look at it.

Chairman McNulty stated you want to look at the plan.

Ted Kozlowski stated I've got it here.

Chairman McNulty stated okay.

### 3) ILLESCAS – Wetland/Watercourse Permit Application

Chairman McNulty stated alright, moving along to Illescas.

Ted Kozlowski stated oh.

Chairman McNulty stated there you go, Ted. You're up front and center.

[Laughter].

Chairman McNulty stated I saw a new plan it looks like.

Board Member Taylor stated where is it.

Chairman McNulty stated actually, there's two plans I think.

Board Member Taylor stated is this it. No.

Rich Williams stated two plans.

Chairman McNulty stated well, I've got two in my box here.

Rich Williams stated well give me one back.

Board Member Taylor stated there's too much stuff.

Chairman McNulty stated well, they have different letterhead...blocks on it though. I'm trying to see the difference. And one of them has the wetlands mark and one doesn't.

Ted Kozlowski stated Ed and I were out there. We met with Mr. Illescas' wife, I presume. And...

Board Member Montesano stated significant other.

Ted Kozlowski stated it was interesting...

Board Member Brady stated we had this conversation the last time, didn't we. Didn't we go there at the last meeting.

Ted Kozlowski stated so then I went back and I flagged what is left of wetlands there. I've got a feeling that Joe Zarecki, his line was in conformance with the soils that were probably identified by the Putnam County Soil...

Chairman McNulty stated and is this line accurate.

Ted Kozlowski stated survey and...

Board Member Taylor stated this is...

Ted Kozlowski stated that site has all been changed. And for all intensive purposes, it's no longer a wetland. So I flagged what I could discern as a wetland and...Where number 8 is, the wetland...That's

what I thought was the property boundary because there's a stonewall there and I was assuming that where number 8 is was the stonewall...was the property line. But obviously it isn't. So, that wetland line then goes further to the north. I don't think, you know, I'll adjust it for the record but in this matter of this application which is yet to be before you, there is the wetland line.

Board Member Brady stated yeah. The line continues right up to the road.

Ted Kozlowski stated yeah. But I went to that stonewall, Ed, and again, I thought it was...I didn't know that was his property otherwise I would have went over. And I've got a feeling if you walk that line and you walk that stonewall, that's probably what his property used to look like, which is all wetland. It's not Mr. Illescas' fault. He bought this property long after it was filled in. He's got a challenged lot there.

Board Member Taylor stated now, how much of this is lawn.

Ted Kozlowski stated almost all of it. He's got a lot of...He created a lot of gardens, that's why I think he's in the green industry.

Board Member Taylor stated landscaping.

Ted Kozlowski stated so he is...He's actually working with the property fairly well. It's just where he lives that's kind of messy.

Chairman McNulty stated now where it shows this dashed line proposed shed, gravel, is that the driveway that we saw the Burdick [Blacktopping] proposal for to cut that out, put that gravel in.

Board Member Taylor stated no. That was the house down the road.

Ron Gainer stated different project.

Board Member Brady stated yeah, no...

Ron Gainer stated different project.

Board Member Taylor stated that was different property.

Chairman McNulty stated different project.

Ted Kozlowski stated that drive...

Chairman McNulty stated oh, that was Mrs. Chory. Excuse me.

Board Member Taylor stated yes.

Board Member Brady stated they want to leave that gravel there.

Ted Kozlowski stated that dotted line and gravel area is existing, Tommy. That is what is new from the last...from the early 2000s; the last time I was there. I think 2004. So, that's what was my concern. And then he's got these sheds and one is not in conformance because it's...doesn't have the setback requirements. There's mattresses in there. There's all sorts of things. And he's showing to remove that and push...make a new one 24' x 14.5' shed.

Chairman McNulty stated yeah, it looks like he's going to meet the setback at the rear.

Board Member Brady stated right.

Ted Kozlowski stated yeah.

Chairman McNulty stated setback from the house. It's going to be out into his gravel. Alright, so with this...Now we have a plan we can read. It looks coherent. It looks like it meets the setbacks. Can we move this along. Where...What's next. I don't have...

Ted Kozlowski stated well, did he file...He filed a wetlands permit, correct.

Rich Williams stated he did.

Chairman McNulty stated yeah. Which...

Ted Kozlowski stated he just needed the flagging.

Chairman McNulty stated which we made a lot of changes to. Or I made a lot of marks to.

Ted Kozlowski stated I think because neighbors have been involved in the past that I don't think you can waive...I don't think you should waive the wetlands permit just because I think, you know, the neighbors had voiced concerns in the past. I don't know...

Chairman McNulty stated you mean, waive the public hearing.

Ted Kozlowski stated public hearing I mean. I have no objection to what he's doing but, you know, there's a history there.

Chairman McNulty stated okay. Well...

Board Member Montesano stated I think we went to court on that...

Chairman McNulty stated from the plan I...

Board Member Montesano stated in May.

Chairman McNulty stated the plan I see is okay with me. Does anybody have anything to say.

Board Member Brady stated no. The stuff I saw when I was out there, you know, the two sheds and on the original application, there was like three of four different sized sheds that he was...in different places. And it looks like he's going to...It looks like he's going to clean that mess up is behind there where those trailers are.

Ted Kozlowski stated right.

Board Member Brady stated it's a mess. It really is. And the gravel, that's where...that's there now and that's what they use for...She says, that's where they eat when they have company. And company will play, you know, ball there and stuff like that.

Chairman McNulty stated that's her front yard.

Board Member Brady stated there's of course...Yes. Because the lawn is a little...

Ted Kozlowski stated right.

Board Member Brady stated soggy.

Ted Kozlowski stated she gets...Actually, I felt more comfortable with her than with him in the past. She seemed to be...

Chairman McNulty stated or her communication skills are better.

Ted Kozlowski stated yeah. The communications is tough for them. I don't...My gut is they're not bad people in the sense that they're trying to get away with something. I just don't think they're comfortable with the language. They're not comfortable with our laws...our rules and regulations.

Chairman McNulty stated well, they've responded to our requests.

Ted Kozlowski stated yeah.

Chairman McNulty stated they come up with a plan. Rich, next for this I guess we call for a public hearing.

Rich Williams stated next meeting you can set a public hearing. You just got to...

Chairman McNulty stated and we have to do SEQRA.

Rich Williams stated you're going to have to do SEQRA before you approve an application or deny an application. Yeah, but next week you bring them in and set the public hearing. You let them know the notice requirements. He has to send out notice to all his neighbors certified mail.

Chairman McNulty stated mmhmm.

Rich Williams stated bring us the receipts back in. We will provide him the legal notice. Then we can move this along.

Ted Kozlowski stated I think we're going to have to help him with that so he understands. I'm not sure if he understands the process.

Rich Williams stated we do our best to try to explain everything in detail to people...

Ted Kozlowski stated Rich are...

Rich Williams stated hold hands.

Ted Kozlowski stated do you want me to reach out to him to come in here or should...are you going to do that.

Rich Williams stated I don't care. Do it. Somebody should call him to make sure he's here next week.

Ted Kozlowski stated alright. Well, his wife gave me her phone number so I'll probably give her a call.

Rich Williams stated okay.

Chairman McNulty stated okay.

Board Member Taylor stated okay. I just...Question. I should have probably gone out and look at this. This area that's behind the wetlands, it is also lawn.

Ted Kozlowski stated no.

Chairman McNulty stated no. That's swamp.

Ted Kozlowski stated that is all forested wetland. It's all native...

Board Member Taylor stated including all of this up here.

Ted Kozlowski stated all of that. All of it. It's a big block of forested wetland and Mr. Brady received some continuing education credits when we were out there.

[Laughter].

Board Member Taylor stated and he...

Board Member Montesano stated find out what (inaudible) is.

Board Member Taylor stated is there any sign that he is trying to encroach on that.

Ted Kozlowski stated that's another reason why I didn't think it was his property because it wasn't touched.

[Laughter].

Chairman McNulty stated hadn't gotten that far yet.

Board Member Montesano stated give him time.

Board Member Brady stated yeah, all the stuff...It looks like all the stuff that was there is in the...

Ted Kozlowski stated yeah.

Board Member Brady stated it's like they dozed it into the woods.

Board Member Montesano stated it's mulch. It's all mulch.

Ted Kozlowski stated so it's....No. He hasn't...He hasn't touched it.

Board Member Taylor stated so the only question, again, I would bring up because it's so close to the Croton, whether we want him to exchange land for the land he's taking. Or whether that applies in this case...

Chairman McNulty stated doesn't look like he's...

Board Member Taylor stated since he's using gravel. Well he's...This is taking. This is new. Just because it's there, it wasn't authorized. But does it...

Chairman McNulty stated he took this section right here. Because this is out...

Board Member Taylor stated well, all this gravel is new, right. You said since...

Ted Kozlowski stated well, no. This...What I'm pointing to, this sort of exclamation point...

Chairman McNulty stated this is your limit of wetlands.

Ted Kozlowski stated is paved driveway. This all in dots, or dash, is gravel. That's all new.

Board Member Taylor stated right. That's what I'm saying.

Ted Kozlowski stated yeah.

Board Member Taylor stated this was put in...

Ted Kozlowski stated right.

Board Member Taylor stated without approval.

Chairman McNulty stated mmhmm.

Board Member Taylor stated that's what I'm talking about. He's taking...

Chairman McNulty stated but...

Board Member Taylor stated because he's in the buffer.

Chairman McNulty stated but was that taken buy him or before he got there.

Ted Kozlowski stated he did that.

Chairman McNulty stated oh, he did that.

Ted Kozlowski stated he did that. Oh yeah. He did that.

Chairman McNulty stated but you said that area was disturbed before he...

Ted Kozlowski stated well, it was disturbed; it was all lawn and filled in. But it wasn't gravel. It wasn't landscaped there at that point.

Chairman McNulty stated so it had already been disturbed.

Ted Kozlowski stated it's been disturbed because that whole house...

Chairman McNulty stated it's hard without seeing it.

Ted Kozlowski stated that...I'm convinced that house would have never been approved in today's...

Board Member Brady stated yeah.

Ted Kozlowski stated world.

Board Member Taylor stated well, it's in the buffer.

Chairman McNulty stated we also talked about some kind of demarcation along that line.

Ted Kozlowski stated right.

Chairman McNulty stated for future use. But you said...

Ted Kozlowski stated right.

Chairman McNulty stated that the trees are gone.

Ted Kozlowski stated it's basically the wood line, Tommy.

Board Member Taylor stated okay. So that's...

Ted Kozlowski stated it's the forest.

Chairman McNulty stated do we want to tag those.

Ted Kozlowski stated I will.

Chairman McNulty stated okay.

Ted Kozlowski stated you know, once we decide what we're doing there. That's not a problem. He can't...It is so wet in there at that point, he really can't do much in there.

Board Member Taylor stated grow cranberries.

[Laughter].

Board Member Taylor stated it's just, on generally principle, it's just whether we want to start saying to some of these people we realize you have challenged lots but you're also very close. There's not downstream filtration for what's going on. If you're going to disturb then maybe like Army Corp, we should require that you create an equal, undisturbed...allow equal area to go back to undisturbed.

Ted Kozlowski stated well, you could.

Chairman McNulty stated does he have an area.

Ted Kozlowski stated instead of getting, you know, I don't know how legal or how...I don't know if that's a good thing to do in the sense of turning land over to someone else. But, you could demarcate an area that should be allowed to revegetate like we're doing at Prospero's where we said, okay, here's your line. This disturbed area is now going to revert back to wetland. If this gentleman left that property and abandoned it, 10 years from now that would all be wetland again. So, is there a section that we should chop off or take and...Not take. That's a harsh word. But allow...

Chairman McNulty stated revert.

Ted Kozlowski stated to revert back to wetlands.

Chairman McNulty stated but what areas are available. Is this all...All this...I haven't seen the property.

Ted Kozlowski stated well, he...

Board Member Taylor stated do a corner over here.

Ted Kozlowski stated you could...You could do this.

Board Member Taylor stated yeah. Do something like that.

Ted Kozlowski stated this is really not something...He's got...

Chairman McNulty stated is that all disturbed right now.

Ted Kozlowski stated it's lawn. But if you let it go, Tom, it's just going to go back to wetland. It's...Same thing at Chory's place. Same thing.

Chairman McNulty stated mmhmm.

Ted Kozlowski stated and he's got all this land here. He's got a lot of room to have his kids play and get together with family get together and all of that. He's got bigger issues. I think that house is problematic. It's on very soft ground, I'm sure, and very wet periods there's issues there.

Chairman McNulty stated I don't have a problem leaving it at is, my concern is that he understands that's it for his disturbance.

Ted Kozlowski stated and Tom...

Chairman McNulty stated nothing further.

Ted Kozlowski stated I agree with you. We have...I have said that to him in the past.

Board Member Montesano stated so if we put it on the approval that there will be no further disturbance on the property...

Chairman McNulty stated well, that will have to be part of it, sure. And that it's going to be marked by the ECI...

Rich Williams stated yeah.

Board Member Montesano stated if we can do it.

Ted Kozlowski stated I'll call his wife tomorrow, tell her to get to see Rich or...

Rich Williams stated Sarah.

Ted Kozlowski stated or Sarah or anyone else in Town Hall.

Chairman McNulty stated and we can approach him and if seems like he has an understanding...

Rich Williams stated and anyone else in Town Hall.

Chairman McNulty stated of what we're trying to say about reverting.

Ted Kozlowski stated I don't know.

Chairman McNulty stated to me in this case...

Ted Kozlowski stated would Bob...Bob wouldn't be involved.

Board Member Taylor stated yeah, no I...

Chairman McNulty stated we can ask him...

Rich Williams stated no.

Chairman McNulty stated say listen, maybe you can let this wetlands...let this revert back to some degree. Maybe he'll understand it.

Board Member Taylor stated as a tradeoff for...

Chairman McNulty stated yeah.

Ted Kozlowski stated well, I'm going to...What I'll do is after this is...After he goes through the process, I'll go back out there and I'd like, especially his wife to be there because I think she's a little more understanding of things.

Chairman McNulty stated okay. Anything else.

#### **4) FRANK'S AUTOMOTIVE, LLC – Sign Application**

Chairman McNulty stated we'll move right along here to another fun one. Frank's...Frank's Automotive with a sign application. Or a sign...This is a recommendation to the Zoning Board on a sign request. Do I understand that right. Or it's a sign application.

Rich Williams stated well, there's application before the...pending before the Board now for approval of two signs. The signs do not meet the area requirements so they've also made an application to the Zoning Board of Appeals to grant an area variance to allow the larger sign area on the building.

Chairman McNulty stated and from what I read in your notes, it looks like they're asking for approximately 92 square feet of additional sign.

Rich Williams stated the application to the Zoning Board of Appeals is actually asking for an area variance for the additional 107 square feet of sign area on his building. However, when I looked at their application and calculated the area of the two signs, I found that one of the signs was actually less than what they were suggesting it was going to be. And I did confirm the sign they were proposing to use with the Applicant.

Board Member Brady stated this is...Is this the one that we went to on a walk through. We went through the garage and everything.

Chairman McNulty stated it's when he put his...He came in for a site plan application.

Board Member Brady stated right.

Board Member Montesano stated yeah.

Rich Williams stated correct.

Chairman McNulty stated or amendment to put his automotive garage in there a couple of years back.

Rich Williams stated right. And then after that he came back in, he got a freestanding sign out on the corner.

Board Member Brady stated right. And wasn't a conversation about worrying about oil spills and stuff like that.

Chairman McNulty stated yeah. Because he's right up against the wetlands there.

Board Member Brady stated yeah.

Rich Williams stated right.

Chairman McNulty stated they're in the buffer basically.

Board Member Brady stated but this...This is the back of the building where he's looking for this sign, right.

Chairman McNulty stated the one that looks like it got pavers, if I remember right, is the one that faces west towards Fair Street [referring to submitted pictures].

Rich Williams stated correct. That's the Fair Street one.

Chairman McNulty stated this is on Commerce Drive...

Board Member Ladau stated mmhmm.

Chairman McNulty stated off Fair Street.

Rich Williams stated and...

Chairman McNulty stated you know that industrial park.

Board Member Ladau stated oh, yeah.

Chairman McNulty stated and in the corner as you go in to the right is this building. It's the play...the cedar playgrounds. No.

Rich Williams stated no.

Board Member Montesano stated no.

Rich Williams stated you want to...

Chairman McNulty stated it's the Mesa's...

Board Member Brady stated yeah, Mesa's...Mesa's Supply.

Rich Williams stated it's Northeast Mesa.

Board Member Brady stated is Northeast Mesa.

Board Member Montesano stated alright.

Chairman McNulty stated and the masonry supply and he shares the building with them, correct.

Rich Williams stated correct.

Chairman McNulty stated so...

Rich Williams stated now, just so you know, I don't know if it is the same with your packets, it was with mine, the pictures were reversed in the packets. So what he is proposing to do is put the 16 square foot lit sign on the Fair Street side. That's the side with the pavers. And then on the eastern side, the main entrance into the garage where we all walked in to look at the garage, he's proposing to put the larger...Yeah. The larger sign, which is a flat, non-illuminated sign.

Board Member Brady stated so he's proposing to put this sign on this side of the building; this is the pavers.

Rich Williams stated no. He's...

Chairman McNulty stated the pictures look like the same size sign.

Rich Williams stated no, he's got it right. He's got the sign on the right picture.

Board Member Brady stated okay.

Rich Williams stated but he's got...with me, he had the pictures in the wrong packet.

Board Member Brady stated oh, okay.

Chairman McNulty stated oh. Which sign is illuminated. The Fair Street sign.

Rich Williams stated 16 square foot sign...

The Secretary stated yes.

Rich Williams stated on Fair Street.

Board Member Taylor stated it's this one.

Chairman McNulty stated yeah. And he already currently has a freestanding sign that has Frank's Automotive.

Rich Williams stated he...

Chairman McNulty stated correct.

Rich Williams stated yes.

Board Member Brady stated yeah, with that.

Board Member Taylor stated and this...That's calculated into all of this.

Chairman McNulty stated no.

Rich Williams stated freestanding sign is separate from the building mounted signs. The Northeast Mesa sign is...The building mounted sign for Northeast Mesa factors in to all of these calculations.

Chairman McNulty stated my thoughts on this is to reduce it somewhat because on the Fair Street side, remove the Frank's Automotive and just have his lit sign. And then he would have the Frank's Automotive where you drive up because he already has Frank's Automotive out on a freestanding sign.

Rich Williams stated okay. She will be in next week. I would encourage you to discuss this with her and...

Chairman McNulty stated what is this. Is that anything [referring to a picture].

Rich Williams stated I don't know what that is. No.

Board Member Montesano stated no.

Chairman McNulty stated it's crossed out.

Board Member Montesano stated it's all crossed out.

Board Member Brady stated yeah.

Rich Williams stated umm...

Board Member Montesano stated including the tire covers.

Rich Williams stated yeah.

Board Member Montesano stated so.

Rich Williams stated and just remember, the ZBA at this point is evaluating whether it's appropriate to have the larger area of sign on the building. So, whatever recommendation you're going to make back to the ZBA, you know, try to be as specific about why you feel that way. You know, if you want, you know, approve what they're asking; the additional sign area, you know, try to provide some justification for why you think it's appropriate to have that. Or if you think it should be reduced. Why should it be reduced.

Chairman McNulty stated well, the only reason I would think, on my thought, to be reduced is that they're already 100% over the limit, that they're asking for basically.

Rich Williams stated so what.

Chairman McNulty stated well...

Rich Williams stated does it impact some visual characteristic of the site.

Board Member Taylor stated yeah, but we...Why do we have a Code with a certain square footage.

Rich Williams stated the Code is...The Code is designed in generalizations but it's designed to try to create an attractive appearance within the community by not having too much sign. Too many signs all over the building. Spread out.

Board Member Taylor stated exactly.

Chairman McNulty stated yeah. And...

Rich Williams stated I'm not saying I couldn't justify it going one way or the other, I'm saying you're looking to make a recommendation. What I'm looking for you to do is articulate...

Chairman McNulty stated be specific.

Rich Williams stated why.

Board Member Taylor stated yes. No, I understand what you're saying. I'm trying to articulate why. Why we're going to say something. We...Why should we allow an exception for him with what it sets as a precedent for everybody down the road.

Chairman McNulty stated well, that takes me back to the next question. We have seen signs get variances to be increased. Route 22, The Alpine, correct. Thunder Ridge.

Board Member Montesano stated yeah, but that's...

Board Member Taylor stated but we decided that was...

Board Member Montesano stated that's a unique situation.

Board Member Taylor stated yes, exactly.

Board Member Montesano stated over here you've got to businesses supporting each other, basically. One allowing somebody to rent part of his building because he wasn't using it and the other guy helping out the original owner.

Chairman McNulty stated well, I don't know if it's so unique. The whole purpose of a sign is to bring attention to your business. And that's what Thunder Ridge wanted to do and we granted them some extra space so he could have his Halloween walks. He could have paintball and...

Board Member Montesano stated well, you've got four businesses over there.

Chairman McNulty stated but where I'm going with this is how much did we allow them. If we're going to start setting precedents and allow 100% more on a smaller building, then when we get a bigger building complex that wants 100%, we're going to have a tremendous sign. I'm thinking of looking at this as a percentage. Not to set a precedent of too big a scale. I don't know how else to put it.

Board Member Taylor stated well, if I remember the Thunder Ridge discussion, we decided that Thunder Ridge kind of didn't fall under the Code because it wasn't amount of store frontage. They've got 200 and some acres and it was a whole different in that sense.

Chairman McNulty stated unique that way.

Board Member Taylor stated it was unique.

Chairman McNulty stated yes.

Board Member Taylor stated it was unique in that way.

Chairman McNulty stated because there was a history to there.

Board Member Taylor stated A&P might be more appropriate. When we talked about...Increased some signs for A&P, did we not. Because they were...

Rich Williams stated you increased...

Board Member Taylor stated subdividing storefronts.

Chairman McNulty stated yeah.

Rich Williams stated correct. And we have since modified the Code to allow a greater sign area for retail shopping areas like that. For either the local retail shopping areas, we have a different set of standards. And then for the regional retail shopping centers we have, again, a different size...set of standards which allow a much greater volume of signage than, you know, an individual commercial building.

Board Montesano stated well, let's look at it also to the fact that you're talking about a commercial area. It's an industrial park.

Chairman McNulty stated mmhmm.

Board Member Montesano stated would that give us leeway to allow for a larger sign even if it's a smaller business, per se, but like you said, you want the recognition. You're in a commercial area to begin with. Is it going to create a problem. The next guy that goes into that particular place if he wants a larger sign, well, as long as he stayed in there, you might be able to adjust it. But being that he's sitting inside of this industrial park...

Chairman McNulty stated well, he's on the corner so he's interesting because he's got road frontage on Fair Street and he had frontage on Commerce Drive. So...

Board Member Montesano stated yeah, but the object is he is in the industrial park.

Chairman McNulty stated mmhmm.

Board Member Montesano stated so if he puts the sign up because it's easier as you drive by it since...In all honesty, no one's going in there just to look at signs you're going to pass by on Fair Street, which is where you get notice that there is a business in there that might be of some use to you, personally.

Chairman McNulty stated no, and I understand. I'm trying to think as he is a business owner he wants to attract some attention to his business. And for us to decide what fits the surroundings and how's it going to look. You know, those colors are bright. They're going to stick out up there.

Board Member Brady stated but why...I don't understand why he wants it on the back of the building, too. He wants to put one on the front and one in the back.

Rich Williams stated he wants to put one on the Fair Street side so people driving on Fair Street...

Board Member Brady stated which I understand. I consider that the front, okay.

Rich Williams stated alright. And then he wants to put one on the front so people know where...

Board Member Montesano stated where he's located.

Rich Williams stated his garage entrance is.

Chairman McNulty stated yeah. And that's not so bad because it faces out in the industrial park.

Board Member Brady stated right.

Chairman McNulty stated so...

Rich Williams stated it's not actually...It actually doesn't face out into the industrial park.

Chairman McNulty stated it faces off of their driveway.

Board Member Brady stated it faces...there's wood.

Rich Williams stated it faces into the rear parking lot of...

Chairman McNulty stated Mesa.

Rich Williams stated Eastern Jungle Gym.

Chairman McNulty stated yeah.

Rich Williams stated so it's really not going to be visible...

Board Member Brady stated right.

Rich Williams stated until somebody walks onto the site.

Board Member Brady stated well what I'm saying is he's allowed... Yeah, what I'm getting at, he's allowed to have so many square feet of signage and if he put a smaller sign in the back, you know, or the back of the building facing the parking lot, that would lower the square footage of the whole project. Instead of being two and a half times maybe it's only 1 and a half times and he gets the advertising out on Fair Street that he wants.

Rich Williams stated well, the reality is that, you know, most of what is allowed for the building mounted sign is taken up by Northeast Mesa. They're going to share the building.

Board Member Brady stated but in the...in your comments it said that Northeast Mesa was on the north side; there's signs on the north side.

Rich Williams stated correct. Facing Commerce Drive.

Board Member Brady stated right.

Rich Williams stated but what I'm saying is Northeast Mesa...You're allowed 100 square feet.

Board Member Brady stated right.

Rich Williams stated Northeast Mesa is taking up...

Board Member Brady stated 87 [square feet] I believe.

Chairman McNulty stated 87 [square feet].

Rich Williams stated 87, right. That only leaves 13 [square feet] for the other business.

Board Member Brady stated oh, so not matter he needs...okay.

Rich Williams stated so...But ideally if this was to come in as a brand new site plan and an application for signage, they would be sharing the volume of signage.

Board Member Brady stated right.

Rich Williams stated not one store taking up the whole volume...

Board Member Brady stated right.

Rich Williams stated leaving nothing for everybody else.

Board Member Taylor stated and how does this fit into the retail, what you were saying. You increased...The Code increased the retail...

Rich Williams stated for...

Board Member Taylor stated for certain sites.

Rich Williams stated or what we define as local, regional shopping centers or regional shopping centers.

Board Member Taylor stated right.

Rich Williams stated local shopping centers or regional shopping centers.

Board Member Taylor stated so...But if we applied that standard to this, what would happen here.

Rich Williams stated I don't...I'd have to take a look at it. I don't know.

Board Member Taylor stated does it...

Rich Williams stated I'd have to look.

Board Member Taylor stated because if it would give him more then it gives us something that's already a precedent for that. And we could argue then that Commerce Drive is like one of these...is becoming like one of these retail...

Rich Williams stated oh, I'd like to hear that argument.

Board Member Taylor stated well, if they're subdividing their places. Because that's what encountered...why we encountered...What we encountered at A&P. They were subdividing the original layouts.

Chairman McNulty stated but it's a different type...It's a true retail. This is an industrial...

Board Member Montesano stated this is an industrial which is where you expect a business to be and you'd like to confine it because theoretically it's off the main thing but it's on a main road. So, what I'm looking at is when they include the size of the sign. Now that thing is a big sign and you've got all this wasted space because that's their logo for Napa. So, if you were to cut that piece off how much would you save there. Can you make...There's sufficient...

Rich Williams stated if you read...

Board Member Montesano stated photos of smaller signs.

Rich Williams stated if you read the application, I think you will find that Napa has very specific requirements about...

Chairman McNulty stated yeah.

Rich Williams stated about how you can...

Chairman McNulty stated that's the other thing.

Rich Williams stated do their sign.

Board Member Montesano stated yes, but you also have very specific... They also have a whole group of other signs.

Rich Williams stated right.

Board Member Montesano stated so if you were to take on of these signs without that long, yellow waste of time in here...

Rich Williams stated yes, you could absolutely do that.

Chairman McNulty stated Fair Street is still somewhat of a country road. I mean, you have the Von Essen. You have Papitto up there. You have the County Highway Department. But they're not glaring as you drive by.

Board Member Brady stated all the painting on the top isn't considered part of the sign; it's just the structure of the sign itself, right.

Rich Williams stated correct.

Chairman McNulty stated yeah, it's just building...

Rich Williams stated and that is a point. It does appear that they're going to want to repaint the building and have an...

Board Member Brady stated and then it will really stick out like a sore thumb.

Rich Williams stated orange and red stripe.

Board Member Montesano stated if you go down on Money Hill [Road] on to the Kent side where the industrial park is over there, right by exit 17, you can see...

Rich Williams stated mmhmm.

Board Member Montesano stated similar to how they have the Napa signs.

Rich Williams stated mmhmm.

Board Member Montesano stated but even then, you've got smaller signs that you can recommend, I think, that would fit in there and still be observable. Because when you drive past there, they have a small sign in the front and they've got a big one on the building. But they've got a lot of room back there.

Rich Williams stated yup.

Chairman McNulty stated well, they're going to be in Thursday, right.

Rich Williams stated they will be in Thursday.

Chairman McNulty stated we'll talk to them.

Rich Williams stated I would encourage you all as you're driving around town and going down Fair Street...

Chairman McNulty stated mmhmm.

Rich Williams stated you might want to take this and take a look at, you know, the Fair Street side or whatever you want to look at out there to see.

Chairman McNulty stated to me, this is a little out of character with Fair Street.

Board Member Taylor stated yeah...

Board Member Montesano stated but let's put it this way...

Chairman McNulty stated and...

Board Member Montesano stated you can't...

Chairman McNulty stated but I'm not opposed to a sign. I just...On the Fair Street side, my thoughts would be to just cut it down to the lit sign.

Board Member Taylor stated right.

Chairman McNulty stated and allow the sign in the back.

Board Member Taylor stated and then do what Ed proposed on the other side, is basically get rid of that sign. They've already...

Board Member Montesano stated you've got...

Board Member Taylor stated got the sign...

Board Member Montesano stated yeah.

Board Member Taylor stated out front. You can't see it until you swing around anyway. How many people come in and say I just walked in the masonry supply. I didn't know you were...

Board Member Brady stated right.

Chairman McNulty stated yeah, but I think this is the requirements of Napa. Napa's got requirements on them to have...

Board Member Taylor stated yeah, but if you look...

Chairman McNulty stated certain signage.

Board Member Montesano stated a certain size.

Board Member Taylor stated yeah, but if you look at these other signs...

Board Member Montesano stated there's plenty...

Board Member Taylor stated and Napa requires them to have two signs. They can do that sign, it's 32 square feet instead of whatever they're proposing.

Chairman McNulty stated well that's what I was thinking on the Fair Street side.

Board Member Taylor stated right.

Board Member Montesano stated yeah.

Board Member Taylor stated and then does Napa require them to have the other sign in addition.

Board Member Montesano stated you've got the welding shop across the street, too. And he's got signage up. But the idea is that section between Fair...[Route] 311 and as you go on to Fair Street, that's all theoretically industrial in the sense that you've got the highway department, you've got the bus depot, you've got the welding shop, you've got all those other guys in there...

Chairman McNulty stated yup.

Board Member Montesano stated on both sides of the road, so...

Chairman McNulty stated but the backside I'm...

Board Member Montesano stated but I'd still...

Chairman McNulty stated it's not that big a deal to me because who sees it. So...

Board Member Brady stated right. That's why I say you make that...

Chairman McNulty stated and when you drive...

Board Member Brady stated less so he's not...

Chairman McNulty stated you drive up...

Board Member Brady stated asking for so much more.

Board Member Montesano stated maybe the mailman needs it.

Board Member Brady stated and the...the...that sign, you know, the painting, if he paints it that, as far as I'm concerned, if he paints it and matches it to the...those colors of the sign, it's part of the sign. It's going to make it stick out more. If he left the building the natural stone that it is now, or brick, whatever, block, whatever it is, the sign wouldn't look so huge. You know, standing out.

Board Member Montesano stated well, that's why I like some of these smaller ones.

Chairman McNulty stated we don't have any say on the painting though really, do we.

Rich Williams stated not really.

Chairman McNulty stated no.

Rich Williams stated not a lot.

Chairman McNulty stated because there's nothing in our Code that...

Rich Williams stated well, you are all the architectural...

Chairman McNulty stated outside of the Hamlet.

Rich Williams stated review board.

Board Member Brady stated right.

Rich Williams stated if somebody came in, and it has happened in the past, and they painted some though, you know, bright, bright yellow, we would encourage them not to do that.

Board Member Montesano stated alright. That's...

Rich Williams stated but typically we don't get crazy about things.

Board Member Montesano stated this is...

Board Member Brady stated painted on the backside.

Board Member Montesano stated now, another thing we have to...I would like to know is does the owner of the building authorize this painting and signs...

Chairman McNulty stated well, it should be on the application, right. Does the owner sign on the sign application.

Rich Williams stated I believe they signed the variance. I thought they signed the sign application, too.

Chairman McNulty stated the property owner's name is on here, on the application.

Board Member Montesano stated okay. I must have missed...

Board Member Brady stated yeah. He signed it.

Board Member Montesano stated okay. For both of them. Okay.

Chairman McNulty stated okay, well let's talk to them when they come in. Tell them our concerns and see if they have some room to work with us on that.

Board Member Montesano stated they even give you this very nice looking sign...

Board Member Taylor stated exactly.

Board Member Montesano stated and it's smaller. And it can be made even...And they come smaller than that.

Chairman McNulty stated isn't there a tree line across the front of that building on Commerce Drive though. You really don't see that building too clearly from Fair Street.

Rich Williams stated there's a lot of vegetation between this building and...

Chairman McNulty stated yeah.

Rich Williams stated Fair Street.

Chairman McNulty stated I guess the question would be are they clearing any of that or is that in the wetland buffer. Maybe it should be brought up.

Rich Williams stated that's a very good question. Maybe you should take a ride out there and take a look at...

Chairman McNulty stated well I go by there often.

Rich Williams stated yeah.

Board Member Montesano stated yeah, didn't we have problems with next door.

Chairman McNulty stated sounds like a hidden agenda. Something...

Board Member Montesano stated next door neighbor...

Rich Williams stated you know the place.

Board Member Montesano stated and his water.

Ted Kozlowski stated who. I'm...

Rich Williams stated Northeast Mesa.

Ted Kozlowski stated oh.

Board Member Montesano stated the...

Ted Kozlowski stated now what.

Board Member Montesano stated the jungle gym place. Remember when we had the problem with that.

Ted Kozlowski stated yeah, I know. Yeah.

Rich Williams stated on the backside where they did the pavers they want to put up a lit sign and have it visible from Fair Street.

Board Member Brady stated is it going to blink.

Ted Kozlowski stated it's all wetland.

Chairman McNulty stated yeah, but they want to mount it on the building.

Ted Kozlowski stated oh.

Chairman McNulty stated my question was, isn't there a tree line and vegetation....

Ted Kozlowski stated yeah, there is.

Chairman McNulty stated between there...

Ted Kozlowski stated there's...

Chairman McNulty stated so my question should be you have to be aware that you can't go cutting that down, correct.

Ted Kozlowski stated yeah. They're going to want some site distance.

Chairman McNulty stated so that might be a consideration on the sign.

Board Member Montesano stated maybe we'll get a balloon and just hang the sign from the balloon and rotating lights.

Ted Kozlowski stated yeah, people put pools in. They need that sun field.

Chairman McNulty stated visibility's a question. Anybody else have...

Ted Kozlowski stated yeah, and whose trees will they cut.

Chairman McNulty stated well, I don't know. Is that part of Northeast Mesa.

Rich Williams stated I think it's Northeast Mesa's property.

Ted Kozlowski stated yeah, but it would probably be County property, too.

Chairman McNulty stated well, I'm not saying they are. I just brought it up as...The building...

Ted Kozlowski stated right. But...

Chairman McNulty stated is screened now.

Board Member Montesano stated well, maybe they'll just clear....

Ted Kozlowski stated you just said...

Board Member Montesano stated it all the way out to Fair Street.

Ted Kozlowski stated that the sign is to increase visibility...

Board Member Montesano stated that was done once, wasn't it.

Rich Williams stated yeah.

Ted Kozlowski stated to the business.

Chairman McNulty stated can you top vegetation if don't disturb the roots. Is that legal.

Ted Kozlowski stated you can't go onto somebody else's property...

Chairman McNulty stated no, if it's on their property.

Ted Kozlowski stated without permission.

Chairman McNulty stated if they're on their own property.

Ted Kozlowski stated well, it depends on what it is.

Board Member Montesano stated we'll have fun.

Ted Kozlowski stated if you're going to cut a tree in half.

Board Member Montesano stated if I were to go in there and just trim a little bit so that you can clear...

Ted Kozlowski stated that word scares me.

Chairman McNulty stated no listen. For real....

Ted Kozlowski stated trim or clean-up. I'm just going to clean it up.

Chairman McNulty stated the building's 25' high...

Ted Kozlowski stated yeah.

Chairman McNulty stated and you have vegetation 30 feet and you want to knock it down to 20'.

Ted Kozlowski stated well, it depends. If it's a...

Chairman McNulty stated is that a disturbance of the wetland.

Rich Williams stated you cannot top trees...

Ted Kozlowski stated right.

Rich Williams stated unless you do not care about the health or structural integrity of the tree.

Ted Kozlowski stated right.

Chairman McNulty stated okay. Let's back it up.

Rich Williams stated once you do that, you've destroyed that tree.

Chairman McNulty stated what if it is...What if it's just vegetation.

Ted Kozlowski stated well, how are you...

Rich Williams stated what's vegetation.

Ted Kozlowski stated yeah.

Chairman McNulty stated non-tree vegetation.

[Laughter].

Ted Kozlowski stated you mean shrubbery.

Board Member Taylor stated then it would be a...

Ted Kozlowski stated shrubs.

Chairman McNulty stated shrubs.

Board Member Ladau stated tall shrub.

Board Member Taylor stated very tall shrubs.

Chairman McNulty stated weeds. Weeds.

Board Member Montesano stated how tall is a shrub before it becomes a tree.

Ted Kozlowski stated you know there's no such thing as a weed.

Chairman McNulty stated ask them in Colorado.

Rich Williams stated there's exact...There's absolutely is such a thing as a weed and it could be a rose.

Ted Kozlowski stated it could.

Board Member Brady stated I love...

Chairman McNulty stated okay, we're going off track now guys.

Rich Williams stated alright. Yeah.

Board Member Brady stated people give you a...

Chairman McNulty stated alright. So, do you have any other thing, Ron, on that. Anybody else.

Board Member Brady stated nope.

Chairman McNulty stated Bob, you're quiet over there. You're excited with all of this, right.

Board Member Ladau stated no. I'm trying...

Ted Kozlowski stated he's taking it in.

Board Member Ladau stated to recall what the site looks like and having past it 200 times, I really don't remember.

Chairman McNulty stated yeah. You'll see...

Board Member Ladau stated I'm going to drive out there and take a look.

Chairman McNulty stated okay, good.

Ted Kozlowski stated isn't that amazing.

Board Member Ladau stated yeah.

Chairman McNulty stated alright. Okay. So we have some questions.

Board Member Montesano stated yeah, I would think so.

Chairman McNulty stated we should be able to come to an answer on that.

#### **5) 859 FAIR STREET REALTY – Site Plan Waiver**

Chairman McNulty stated alright, Fair Street Realty. Site plan waiver.

Rich Williams stated yes. This is the old Von Essen building; Boars Head meat distribution center. The ownership has recently changed; very recently changed.

Chairman McNulty stated oh, okay.

Rich Williams stated and the new owner is looking to put up a standby generator to power the building should they ever lose power considering all the product that he has in there.

Chairman McNulty stated it's a big freezer out there, right.

Rich Williams stated yeah. Absolutely.

Board Member Montesano stated yeah.

Rich Williams stated so, I took a look at the application. I don't see any real issues with it. There's no problem with the location of the generator. Everything's fine. You know, my recommendation would be just give them the site plan waiver.

Chairman McNulty stated and with that...Is there SEQRA with that, too. Yes.

Rich Williams stated no with a site plan waiver. You're basically saying...

Chairman McNulty stated where's my checklist.

Rich Williams stated you're basically saying we don't need anything.

Ted Kozlowski stated ha, Tom.

Chairman McNulty stated okay.

Board Member Montesano stated we got something else to put on.

Chairman McNulty stated can we do that now. Does anybody...Has everybody had a chance to look at this or do you want to look at for Thursday.

Board Member Montesano stated put it on the agenda.

Board Member Taylor stated I would make one suggestion. Since the property is before the Patterson Planning Board, that the property be listed as being in Patterson and not in Carmel. They may have a Carmel mailing address, but everything says 859 Fair Street, Carmel, New York.

Rich Williams stated that's because that's in...

Chairman McNulty stated it asked for mailing address.

Rich Williams stated Carmel mailing address.

Board Member Taylor stated right.

Rich Williams stated and that's what it's asking for.

Board Member Taylor stated but...

Chairman McNulty stated the tax map number would locate it. Isn't it on here. Well, it's not in...

Board Member Taylor stated it's not on there. They didn't put it on there.

Chairman McNulty stated it's not on here.

Rich Williams stated they didn't put it on there.

Board Member Taylor stated yeah.

Rich Williams stated he didn't know what it was so it's in my review memo.

Board Member Taylor stated yeah.

Board Member Montesano stated alright. So tell him we can't do anything until you find out if you're in Patterson.

Board Member Taylor stated well, they're in Patterson.

Rich Williams stated he's in the Town of Patterson. He's got a Carmel mailing address. He has a 10512 zip code.

Chairman McNulty stated well maybe...

Rich Williams stated so it's no incorrect.

Chairman McNulty stated maybe we shouldn't do this tonight. There's not a notary on the affidavit either.

Rich Williams stated yeah, I mean that's...

Board Member Taylor stated well, we can still...

Rich Williams stated a big deal.

Board Member Taylor stated we can still do it. He's just got to clean it up. I mean, he needs to put the tax data out here and...

Rich Williams stated well again, I've covered...Ron, I've covered all of that in the memo.

Board Member Taylor stated yeah.

Rich Williams stated so I mean, you have it. It's documented.

Board Member Taylor stated alright. So we're set then. I don't see any reason not to go ahead and do it.

Board Member Montesano stated where does his tax check go.

Rich Williams stated okay, well before you do it, and I would encourage you at some point to kind of break these two issues apart, and I would encourage you to let him go put his generator in because I see no reason not to. And I want to talk to you a little bit about this application and this site but I want to frame it in the context of, you know, Patterson wants to be a business friendly community and this is a new owner. In taking a look at the application and taking a look at the plans he submitted and, you know, reviewing our

files, I realized that the original approval on the site plan showed a building that was a little bit different than what he was showing in his plan. So, you know, I started, again, doing the due diligence trying to backtrack and find out, you know, what had gone on in the past and I found that in 1989 the Planning Board did approve a site plan waiver for the applicant so that he could put an addition on the building. It was a little bit funky the way they did it, but they did approve it so that he could put an addition on the building. And then I also found that in 1998 the building inspector had approved a, what was it, a 55' x 48' addition onto the building.

Chairman McNulty stated in when.

Rich Williams stated 1998.

Chairman McNulty stated is this the cooler extension in the back.

Rich Williams stated it's the cooler extension.

Chairman McNulty stated that's where that little dashed line is, huh.

Rich Williams stated mmhmm.

Board Member Taylor stated and they never filed a site plan revision...

Rich Williams stated never filed a site plan.

Board Member Taylor stated okay.

Rich Williams stated the information never made the assessor's.

Chairman McNulty stated so...

Board Member Taylor stated so they're not being taxed on it either then.

Rich Williams stated well, they will be.

[Laughter].

Board Member Taylor stated that was a good deal.

Board Member Montesano stated no good thing goes unpunished.

Chairman McNulty stated so do we want to ask them to reapply for site plan waiver and add that on and make it official. Is that where you're going.

Rich Williams stated well, no. That's not where I'm going because the size of the structure is roughly around 3,000 square feet. It...There's no way it would qualify for a site plan waiver. What I'm suggesting to the Board is why don't you move on the generator and get that out of the way and I do have a survey from the Building Department showing all the improvements to the site. And next Thursday, why don't you schedule a public hearing for the following meeting. We have a public hearing. We approve the survey as an amended site plan from the original. Help the property owner out a little bit and yet clean up this 14 year old mistake.

Chairman McNulty stated it becomes whole.

Board Member Brady stated right.

Rich Williams stated so that...

Board Member Brady stated makes sense.

Rich Williams stated in the future when there's a title search, the Building Department when they say there are no existing violation out there, can actually mean it.

[Laughter].

Ron Gainer stated did he file an application; site plan application.

Rich Williams stated I wasn't even going to ask him for a site plan application. You know, I was going to let him know we're going to do this if the Board is comfortable with going that way. I did run it past our Town Attorney. They're okay with doing this.

Chairman McNulty stated just on a survey, without any kind of amendment.

Rich Williams stated right.

Ron Gainer stated you should have a...

Rich Williams stated I do have a survey here if you want to look at it.

Ron Gainer stated you should have an EAF. You're going to have to do SEQRA first.

Rich Williams stated well, I could... Yeah, I could do an EAF.

Ron Gainer stated yeah.

Rich Williams stated but the problem is...

Chairman McNulty stated you have the survey right there.

Rich Williams stated yeah. The building inspector, you know, did this with the old property owner. The new property owner doesn't even know about this. He actually submitted for, you know, a title search; doing his due diligence before. The Building Department said there are no violations out there even though the building permit and CO are sitting right on top of the original site plan. So, there was no question about it.

Board Member Taylor stated so this... But this is really the Town's fault, in a sense, and we're just...

Chairman McNulty stated yup.

Board Member Taylor stated cleaning up...

Board Member Brady stated right.

Rich Williams stated correct.

Board Member Taylor stated and there aren't...

Chairman McNulty stated it's paperwork issues.

Board Member Taylor stated any other violations.

Rich Williams stated not that I'm aware of.

Board Member Taylor stated it's not like Boniello where he's all in the wetlands and all this other stuff going on.

Rich Williams stated no.

Board Member Taylor stated okay.

Rich Williams stated there're no wetlands on the site. There's no drainage issues on the site.

Board Member Taylor stated okay. I would agree. Let's just help the guy out.

Chairman McNulty stated yup, so...

Board Member Montesano stated my (inaudible) goes that fast.

Board Member Taylor stated get the paperwork done.

Chairman McNulty stated we call a public hearing but there's no site plan amendment application. Does that...

Rich Williams stated that's not going to be an issue.

Chairman McNulty stated okay.

Rich Williams stated you know, the application former really is, you know, a guidance document for the Board to garner information about what the applicant is proposing to do.

Chairman McNulty stated well that's where I'm thinking...Ten years from now when somebody sees that this is approved and then there's a question with the Building Department and they find no amendment application to back it up, is that a problem.

Rich Williams stated the resolution will...

Chairman McNulty stated the resolution will be...

Rich Williams stated yeah, I'm going to lay all this out is a resolution.

Chairman McNulty stated okay. Alright.

Board Member Taylor stated alright.

Chairman McNulty stated so we'll look to call for a public hearing on Thursday for next month and we'll put him on the schedule. I'm all for that.

Board Member Brady stated yeah, what's that date.

Chairman McNulty stated keep it as simple as possible.

Board Member Taylor stated and we don't need a public hearing for the...

The Secretary stated November 6<sup>th</sup> for next week's meeting.

Chairman McNulty stated for the waiver, no.

Board Member Taylor stated yeah, so we can approve that.

Board Member Brady stated the month after.

Board Member Montesano stated December 4<sup>th</sup>.

Rich Williams stated and then he can pull his building permits and...

The Secretary stated December 4<sup>th</sup>.

Rich Williams stated put his generator in.

Chairman McNulty stated and you did a review on that. Review covers; I didn't read your review. The missing information...

Board Member Taylor stated yeah, he's got it all in there.

Chairman McNulty stated okay.

Board Member Montesano stated

Chairman McNulty stated

Board Member Taylor stated and when you do that Rich, do you get the applicant to sign your notes acknowledging that they agree with...

Rich Williams stated no. Again, you know, my opinion is the application form and EAF are guidance documents for the Board to gather information about what the application really is. So, sometimes they give you incorrect information. Sometimes they omit information, and that's where my review memo comes in to fill in those blanks so that you have accurate comprehensive information about what the application is. I mean, you never really approving the application. You're approving the plan and the use of the property.

Chairman McNulty stated mmhmm.

Rich Williams stated saying all that, Ron, you know, I do those memos, the applicant gets a copy every time. They have an opportunity to review and dispute any of the information...

Board Member Taylor stated okay, good.

Rich Williams stated that I am...

Board Member Taylor stated that's all I'm after.

Rich Williams stated that I am doing. And I always encourage the Board to take my memos and discuss these issues with the applicant.

Board Member Taylor stated yeah.

Rich Williams stated sometimes you don't need a lot of discussion. Other times with certain applicants, you really do need some...some...

Board Member Taylor stated yes.

Rich Williams stated lengthy discussion they fully understand what they're being asked to do.

Board Member Brady stated did I tell you, I'm in favor of cleaning up that...

Board Member Taylor stated yeah.

Chairman McNulty stated yeah. Okay.

Board Member Brady stated clean it up.

Chairman McNulty stated with that said...

Rich Williams stated then I'll contact them.

**6) FROG HILL, LLC – Site Plan**

Chairman McNulty stated lengthy...Let's go to Frog Hill.

Board Member Montesano stated okay. Are you going to get into cars or are we going to walk.

Chairman McNulty stated no.

Rich Williams stated Frog...

Chairman McNulty stated Frog Hill site plan application.

Rich Williams stated Hill I have not had an opportunity to review yet. I know Ron had. But Ron can, you know, take over.

Ron Gainer stated yeah, I just summarized the outstanding issues as I saw them. There's still all the outside agency permits that have to be obtained like through DEC, Putnam County Health, DEP and Patterson has to grant wetland permits as well. We're waiting on all necessary information for the SWPPP document. And then there's some minor, technical things that have to be addressed. I was suggesting because of the location of SSTS area in the back of the building adjacent to the wetlands, he's already proposing large boulders along that boundary to assure that there's no further intrusions into the wetlands, but to merely roll those up in the area of the SSTS, actually protect the...that area from vehicular or immediately adjacent to the parking lot. Myself, and It's just a Harry thing, but the plans are very difficult to read. Just illegible. They should be cleaned up when you're ready to take an action.

Board Member Brady stated a method to the madness, isn't it.

Ron Gainer stated there you go. And procedurally, there's going to be a performance bond calculated once the Board's ready to consider action on it. And really after SEQRA, I think the Board knows that DEP has filed a response notice to your SEQRA lead agency circulation. They've got a variety of concerns identified that the Board, or actually Rich, has got to be careful to respond to or react to. In any SEQRA declaration, you ultimately adopt for the project just to...

Chairman McNulty stated to reference there that they've responded.

Ron Gainer stated right.

Chairman McNulty stated yeah.

Ron Gainer stated show that you've done your due diligence to address the concerns that were voiced.

Chairman McNulty stated I think we discussed those concerns and we didn't have any big issues with them if I remember right. But I understand what you're saying. We'll note it in our resolution.

Ron Gainer stated yeah, you just want to protect...Yeah, protect your actions.

Chairman McNulty stated back to your...You have other comments. Go ahead.

Ron Gainer stated no.

Chairman McNulty stated your comments about the rocks and the sewage treatment...the septic field there. We wanted the boulders for the wetlands demarcation, to a degree. If he were to put some kind of a, maybe, just a post and rail fence or wheel stops in that parking lot...

Ron Gainer stated he can use any barrier. I just was suggesting since he already was offering that...All you want to do is make sure there's some positive identification that there should be...

Chairman McNulty stated not driving over...

Ron Gainer stated right.

Chairman McNulty stated the sewage. Yup. Yeah, just hate to see the rocks used as a different demarcation other than the wetlands.

Ron Gainer stated okay.

Chairman McNulty stated and maybe wheel stops or just a couple lengths of post and rail to keep cars out of there or something.

Ron Gainer stated that we'll work on.

Chairman McNulty stated anybody have any comment on that.

Board Member Brady stated well, he's proposing to do them all over here also.

Chairman McNulty stated well, that's where your...

Board Member Brady stated the parking's back here.

Chairman McNulty stated see the septic's right there.

Board Member Brady stated that's the septic's there, and this is behind the septic.

Chairman McNulty stated yeah, it's just that this...

Board Member Brady stated and they're proposing the rock there. You don't want post and rail there, right.

Ron Gainer stated I was suggesting you just...

Chairman McNulty stated just pull that forward.

Ron Gainer stated you might want a physical barrier here.

Board Member Brady stated right.

Ron Gainer stated you could either roll these forward and bring that to continue that barrier or create a separate as Tommy's talking about.

Chairman McNulty stated yeah, I was just trying to...

Ron Gainer stated that's fine.

Chairman McNulty stated the stones are for the wetlands and it's kind of nice...

Board Member Brady stated right.

Chairman McNulty stated just to keep that consistent. We'll talk to Harry and see...It may be easy for Jay to move boulders. Who knows.

Ron Gainer stated it's very easy for Jay to move boulders.

Chairman McNulty stated yeah. So, we'll leave that up to him.

Board Member Ladau stated what about this email from resident Barbara Murphy expressing some concerns about...

Chairman McNulty stated yeah, that was in regard to the public hearing; she couldn't make it. And she...I think we noted her concerns at the public hearing.

Board Member Ladau stated have we responded to her concerns in any fashion or...

Chairman McNulty stated that I don't know.

Rich Williams stated I've had conversations with her.

Chairman McNulty stated since we addressed the public hearing.

Rich Williams stated probably prior to the public hearing.

Board Member Ladau stated were those conversations positive, negative.

Rich Williams stated well, they're generally positive. They're, you know, they were explaining what was going on; what he was proposing to do back there. They have some concerns that really aren't relative to, you know, what they are proposing to do here. They're actually up-gradient from Jay and they were worried that somehow water was going to get blocked or there was going to be additional flooding out there.

Board Member Ladau stated in terms of blockage of water.

Rich Williams stated right. There's a wetlands...There's a wetlands on the plan that you can see.

Board Member Ladau stated yeah.

Rich Williams stated you know, and they wanted to make sure the water stayed free flowing.

Ron Gainer stated right. And they're not making anymore impervious area out there.

Rich Williams stated no.

Ron Gainer stated and they're not changing...

Rich Williams stated and they're not blocking it.

Board Member Ladau stated does the stone refinishing impact that assuming that...I mean, I'm not sure is...When they talk about stone refinishing, is there a great deal of washing that throws off stone dust. I...

Board Member Brady stated we talked about that.

Rich Williams stated yeah, but they have a recycling system.

Board Member Brady stated recycle. They recycle it, the water.

Board Member Ladau stated oh, okay.

Board Member Brady stated yeah.

Board Member Ladau stated okay.

Board Member Brady stated yeah, I think they talked about that.

Chairman McNulty stated yup. Also, Ron, you noted about the shared well.

Ron Gainer stated right.

Chairman McNulty stated is that something that we would oversee or that goes to the Health...The Board of...The Health Department.

Ron Gainer stated again, normally when you...This is an odd thing because the building's been there, but I don't think it ever had any understanding of the varied uses of that well, or demands placed on that well.

Chairman McNulty stated mmhmm.

Ron Gainer stated somebody should just confirm that the well is adequate for all the shared supply. That's all I was getting at.

Chairman McNulty stated because we have discussed the well previously...

Ron Gainer stated right...

Chairman McNulty stated about how it was going to...

Ron Gainer stated okay.

Chairman McNulty stated and I think it came up...I don't know if it was actually official, but it didn't seem to be a concern of Jay's or Harry's.

Ron Gainer stated are they concerned...

Rich Williams stated or of the Health Department because I did reach out to the Health Department and talk to them about the number of connections and whether, you know, that triggered any need for filtration or treatment or, you know, additional wells out there. And they really didn't have a concern. You know...

Ron Gainer stated okay.

Rich Williams stated they weren't concerned unless, I think, there was four connections or more. Or five connections or more. I don't recall right now, but...

Ron Gainer stated yeah, that's coming back to whether it's deemed a community supply.

Chairman McNulty stated and Harry didn't detail the lighting, huh.

Ron Gainer stated well, I don't know if he's adding any. I just can't tell. It's...

Chairman McNulty stated well, it looks like...

Ron Gainer stated Harry's plan.

Chairman McNulty stated these look like...

Ron Gainer stated they show lighting all over.

Chairman McNulty stated mounted 250 watt spotlights, typical. But he hasn't detailed it.

Ron Gainer stated and I just don't know if they're all existing. I've been out there, but I just never paid attention to all the lights.

Chairman McNulty stated it hasn't come up, really, any lighting. Did he just add that.

Rich Williams stated that's been on there. I've asked for it before.

Ron Gainer stated he's got no details. You know, and again, if anything new you should have a detail, so.. And he's getting towards the end. It's just Harry, so...

Chairman McNulty stated comments. Rich, you're going to do a review.

Rich Williams stated I'm going to take a quick look at it. I think Ron's, you know, pretty...

Chairman McNulty stated yeah.

Rich Williams stated thoroughly touched on everything.

Chairman McNulty stated yup. Is there any concerns about the SWPPP.

Ron Gainer stated no, not...Other than to get the...

Chairman McNulty stated the formal.

Ron Gainer stated mandatory information from him/

Chairman McNulty stated yeah, okay. And he should start looking at the bond information like you noted there.

Board Member Taylor stated yeah, didn't we do SEQRA on this already.

Chairman McNulty stated I thought we did, too. We had the public hearing.

Rich Williams stated sitting here right now I don't know.

Ron Gainer stated I didn't have it...

Rich Williams stated typically I encourage you to do SEQRA before you do a public hearing. But I don't...

Ron Gainer stated let me see in my files. We might have.

Chairman McNulty stated okay.

Board Member Taylor stated wasn't there...Wasn't this the one where he was trying to file something and he needed it and we approved it.

Chairman McNulty stated well, he was going to go to the ZBA to get the accessory use for the building, wasn't he at one point.

Board Member Montesano stated SEQRA was done on April 3<sup>rd</sup>...

Rich Williams stated oh, yeah. You had to do SEQRA before it went to the ZBA.

Board Member Montesano stated April 3<sup>rd</sup>...

Board Member Taylor stated okay.

Board Member Montesano stated 2014.

Chairman McNulty stated and...but he dropped that, didn't he. And he just made it all light manufacturing.

Board Member Taylor stated yes.

Ron Gainer stated and that was all part of the...

Board Member Taylor stated yeah, but we still did SEQRA, so...

Rich Williams stated but he still had to go to the ZBA.

Board Member Taylor stated it's done. That's what I thought. I thought we had done it on this property.

Board Member Montesano stated yeah.

Ron Gainer stated that exactly doesn't (inaudible) because they responded to a lead agency circulation. Their letter's dated in July or August. It would have been after your SEQRA declaration.

Board Member Montesano stated well, your last review that I have is from June 3<sup>rd</sup>...

Rich Williams stated I'd have to go back and look at it.

Ron Gainer stated you ought to...

Board Member Montesano stated and we got April 3<sup>rd</sup>, 2014...

Ron Gainer stated revisit (inaudible) his plan.

Board Member Montesano stated is the...

Chairman McNulty stated SEQRA.

Board Member Montesano stated SEQRA. And then it says SEQRA determination was still pending.

Rich Williams stated I'm going to have to go look.

Chairman McNulty stated okay. Rich will review it.

Board Member Taylor stated in case...

Ron Gainer stated they're response is July 22, so...

Board Member Taylor stated yeah.

Rich Williams stated but we did do SEQRA before the ZBA did the special use for that. I do remember that.

Chairman McNulty stated I thought we did it, to...

Rich Williams stated yeah. So it is done.

Chairman McNulty stated alright, let's do another checkout here.

Board Member Taylor stated yeah well, we need to look and see what we did. Did we do a different kind of SEQRA.

Board Member Montesano stated yeah, we did.

Board Member Taylor stated did we do it on the wetlands and not the rest of it or...

Rich Williams stated no, you did one SEQRA.

Ron Gainer stated no, you wouldn't let them do that. That's segmentation.

Board Member Taylor stated yeah.

Chairman McNulty stated okay.

Board Member Montesano stated (inaudible – too many talking) to what.

Chairman McNulty stated so we'll see Harry and probably Jay on Thursday.

Board Member Brady stated yeah.

Chairman McNulty stated okay.

Board Member Montesano stated maybe.

**7) FOX RUN**

Chairman McNulty stated Fox Run.

Rich Williams stated can I make a suggestion. Can we take care of other business and then go onto Fox Run.

Chairman McNulty stated sure.

**8) OTHER BUSINESS**

**a) Mancini Subdivision**

Rich Williams stated because other business is fairly simple and straight forward. And that's the Mancini subdivision.

Chairman McNulty stated of course.

Rich Williams stated before the Town Board can do a resolution, the Planning Board has to do SEQRA which is why I put it on the agenda. Anybody have any thoughts.

Chairman McNulty stated nope.

Board Member Taylor stated did they...If...Did they respond. They did, right. They corrected the...

Chairman McNulty stated yes. Where they moved the driveway entrance and...

Rich Williams stated no.

Board Member Taylor stated no, no, no. Their...

Rich Williams stated he had issues with the...

Board Member Taylor stated with the EAF.

Rich Williams stated with the environmental assessment form.

Board Member Taylor stated they corrected that, right.

Rich Williams stated I believe so.

Board Member Taylor stated yeah. My only issue was they weren't separating the lot out that they were developing from the whole rest of the property clearly.

Chairman McNulty stated they assessed the whole property.

Board Member Taylor stated no, no. They included all the lines for environmental impacts and stuff. Endangered species and whatever there was going on there which had nothing to do with the lot they were going to develop in the thing. They didn't separate it out. I mean, we can...

Rich Williams stated I remember...

Board Member Taylor stated we can do it ourselves. We could separate it out and...

Rich Williams stated yeah.

Board Member Taylor stated say these impacts don't apply and therefore we can do the SEQRA. I think...I don't see any objection to doing it. I think we just need to...

Chairman McNulty stated I don't either.

Board Member Taylor stated the resolution needs to be clear that that is in fact what's going on. That any potential impacts to endangered resources will not happen because the development is not happening where those resources are. Wetlands and the forest and all that stuff is way down the hill. So I think if we say that, I don't see any reason not to. I mean, we cleared up the traffic problem. They moved the driveway and...

Chairman McNulty stated well, we just...

Board Member Brady stated sounds like you're making a motion.

Chairman McNulty stated we just reference...

Board Member Taylor stated there was nothing else, was there.

Chairman McNulty stated we did go through the EAF here. I have it here with some notes.

Board Member Taylor stated yeah, we went through it.

Board Member Brady stated yeah.

Chairman McNulty stated it just...We'll reference it as, you know, the EAF's been reviewed and there's not significant impacts.

Board Member Taylor stated well, I think we need...

Chairman McNulty stated can it be as simple as that.

Board Member Taylor stated no. I think it's...Anyway. What I'm pushing for is more of a definitive statement. There won't be any impacts because the resources...the environmental resources that might be impacted are off the site. Are part of the site that is being subdivided out, not where the development will go. I think we need a clear statement like that. Rather than just saying there won't be any impacts, let's say why there won't be any impacts. Or that the impacts have been mitigated.

Chairman McNulty stated (inaudible – too many talking) say...

Ron Gainer stated Rich can put that in his...

Rich Williams stated what I'm hoping is they're going to do it tonight so I can get it them on the Town Board meeting Wednesday.

Ron Gainer stated you can write it up in your review, that's fine.

Board Member Montesano stated no problem. Make up the motion.

Board Member Taylor stated well...

Chairman McNulty stated I don't...We've discussed this quite a bit. We've reviewed it. I don't...

Ron Gainer stated you just have to say so moved. Rich will get it right.

Board Member Taylor stated okay...

Chairman McNulty stated no.

Board Member Montesano stated second.

Chairman McNulty stated no.

[Laughter].

Chairman McNulty stated are you comfortable with making a motion on this for SEQRA.

Board Member Taylor stated well...

Chairman McNulty stated you have the wording down.

Board Member Taylor stated no. I don't have the wording down. That's the problem.

Board Member Brady stated more than anybody else does.

Board Member Montesano stated it's because...

[Laughter].

Board Member Taylor stated alright, yeah. Let me try to...Let me...

Board Member Montesano stated get the paper. Get the cheat sheet out of the box.

Board Member Taylor stated let me do it here. So what's the wording I need. Potential...

Chairman McNulty stated want to see the EAF.

Board Member Taylor stated significant...

Chairman McNulty stated impact to this lot.

Board Member Taylor stated adverse environmental impacts on the property.

Board Member Brady stated so that would be a negative declaration.

Board Member Taylor stated yeah.

Board Member Montesano stated this help you out at all.

Chairman McNulty stated no, wait a second.

Board Member Taylor stated what's that.

Board Member Montesano stated that's from Richie's last review and what we needed.

Board Member Taylor stated no, that doesn't help at all.

Chairman McNulty stated I had that copy you sent me, Rich. What did I do with it.

Board Member Taylor stated okay, yes. I'm ready.

Chairman McNulty stated okay.

Board Member Taylor stated you got the cheat sheet so I can...

Board Member Brady stated it sucks getting old.

Board Member Montesano stated yeah. It's right up in my box.

Chairman McNulty stated here, here, here.

Board Member Brady stated sciatica.

Board Member Ladau stated oh dear.

Board Member Taylor stated alright, so this is....

Board Member Brady stated all week now.

Board Member Taylor stated alright. And this is...What is the name...

Chairman McNulty stated right here.

Board Member Taylor stated of this property.

Chairman McNulty stated here you go.

Board Member Montesano stated Mancini Subdivision.

Board Member Taylor stated Robert S. Mancini Subdivision.

Board Member Montesano stated right.

Board Member Taylor stated alright. I move that in the application of Robert S. Mancini Subdivision, the Planning Board of the Town of Patterson finds the proposed action be an unlisted type...Yes, type 1, right.

Rich Williams stated no.

Chairman McNulty stated unlisted.

Board Member Taylor stated it's type 2.

Rich Williams stated unlisted action.

Chairman McNulty stated unlisted action.

Board Member Taylor stated unlisted action. Will not have a significant impact on the environment because the potential significant adverse environmental impacts on the property are located on the undisturbed portion. Does that cover what I am trying to say. And hereby...

Ron Gainer stated you can call it the undeveloped lot, right.

Chairman McNulty stated yup.

Board Member Taylor stated okay. On the undeveloped lot.

Ron Gainer stated which is to be protected.

Board Member Taylor stated and will be...

Ron Gainer stated undisturbed.

Board Member Taylor stated which will be protected in perpetuity. Alright, fine. And hereby issues a negative declaration of significance. Does that sound alright. Can we get that.

Chairman McNulty stated we have a...

Board Member Montesano stated second.

Chairman McNulty stated have a second.

Board Member Montesano stated you got a second.

Board Member Taylor stated yeah.

Chairman McNulty stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Taylor stated okay. Were you happy with that.

[Laughter].

Board Member Taylor stated she doesn't know. You want me to write it out.

The Secretary started no, no.

Chairman McNulty stated no. She got it all on recording.

The Secretary stated there's only four board members present.

Chairman McNulty stated yeah, but that's enough. That's a quorum.

Board Member Taylor stated we've got a quorum.

Rich Williams stated wait, wait. Ed.

Board Member Brady stated yeah.

Rich Williams stated how do you vote on the SEQRA declaration.

Board Member Brady stated I vote yay.

Rich Williams stated okay.

Board Member Montesano stated well good. Then you've got to go Walsh's and...

Board Member Ladau stated despite your pain in the ass.

Rich Williams stated you had Sarah a little nervous there.

The Secretary stated there are five here.

Ron Gainer stated you just walked out.

Board Member Brady stated I had to stretch my sciatica.

Chairman McNulty stated yeah, I didn't excuse you...

Board Member Montesano stated right.

Chairman McNulty stated from the table. That's the problem.

Rich Williams stated can't wait to see her spell sciatica in the minutes.

Board Member Brady stated yeah.

[Laughter].

Chairman McNulty stated did you see this one, Rich.

Board Member Montesano stated Ed's problem.

[Laughter].

Chairman McNulty stated okay. So Mancini is now moving on to a Town Board...

Board Member Taylor stated no, I didn't see it.

Rich Williams stated they're before the Town Board. Town Board's had a public hearing. We can now do the resolution for it.

Board Member Montesano stated (inaudible).

Rich Williams stated Town Board, get the variance they need and then back to the Planning Board.

Chairman McNulty stated okay.

Board Member Montesano stated and now comes the two hours.

#### **b) Minutes**

Chairman McNulty stated other business. We also...I didn't get a chance to look at the minutes yet. Anybody...

Board Member Ladau stated not yet.

Board Member Taylor stated nope. Not yet.

Chairman McNulty stated no.

#### **c) 2015 Meeting Schedule**

Chairman McNulty stated we have the 2015 schedule that Sarah so nicely put together.

Board Member Ladau stated yes.

Board Member Taylor stated where'd that disappear to. Here it is.

Chairman McNulty stated I had a couple of comments on it. For the upcoming December work session, you have the 22<sup>nd</sup> listed.

Rich Williams stated it's already been advertised.

Chairman McNulty stated oh.

The Secretary stated it's what you guys decided last year.

Chairman McNulty stated yeah, I was hoping maybe to push it to the 30<sup>th</sup>, but it's too late. Okay. It would have been nice after the holidays.

Rich Williams stated yeah, but then you've got what...

Chairman McNulty stated because that's a couple days right before Christmas, it's crazy.

Board Member Montesano stated you'll have to do your shopping earlier.

Ron Gainer stated before Christmas or before New Year's, either one...

The Secretary stated that's why for...

Rich Williams stated wait...

The Secretary stated next year I put it...

Rich Williams stated you know what it's called Tom. It's called good planning.

Chairman McNulty stated that's why I'm bringing it up for next year.

Rich Williams stated and you're going to be a good planner.

The Secretary stated I have it after for next year.

Board Member Taylor stated oh, so you got it for the end, right. You're trying to move that...

Chairman McNulty stated no, no. The 29<sup>th</sup> I was okay with...

Board Member Taylor stated okay.

Chairman McNulty stated for next year, 2015.

Board Member Taylor stated it's this one you're trying to move.

Chairman McNulty stated yeah, but it's already advertised so...

Board Member Taylor stated it's already... Yeah.

Chairman McNulty stated it's done.

Board Member Taylor stated it's already set, right.

Chairman McNulty stated okay, and then July 9<sup>th</sup> was the other one.

Board Member Taylor stated July 9<sup>th</sup>, okay.

The Secretary stated you can still...

Chairman McNulty stated we can still change it.

The Secretary stated you can still change it.

Rich Williams stated oh, I hate changes.

Board Member Montesano stated July 9<sup>th</sup>.

Chairman McNulty stated is the 30<sup>th</sup> a bad day for you. Just say so, we won't change it.

Rich Williams stated there's no good days for me.

Chairman McNulty stated alright, let's move it to the 30<sup>th</sup>, then.

Ron Gainer stated what are you moving.

Board Member Taylor stated December twenty... The first one.

Chairman McNulty stated the 22<sup>nd</sup> is the Tuesday before Christmas.

Board Member Brady stated okay.

The Secretary stated 2014.

Ted Kozlowski stated yeah, I won't be there for that one.

Board Member Brady stated you're talking about 2015.

Chairman McNulty stated fourteen; 2014.

The Secretary stated no, 2014.

Board Member Brady stated okay.

Chairman McNulty stated next month.

Board Member Brady stated alright.

Chairman McNulty stated or two months.

Rich Williams stated now what's the date of the meeting.

Chairman McNulty stated December 22<sup>nd</sup> is the current date. It's a Tuesday.

Rich Williams stated what's the date of the first meeting in January.

Board Member Taylor stated eight.

Chairman McNulty stated January 8<sup>th</sup>. So I thought maybe we could have moved it to the 30<sup>th</sup>, it's after Christmas passes. It's on a...It's not on a Thursday, it's a Tuesday I think.

Ted Kozlowski stated 30<sup>th</sup> is...

Chairman McNulty stated it is a Tuesday.

Ted Kozlowski stated a Tuesday.

Chairman McNulty stated any thoughts.

Board Member Brady stated 22<sup>nd</sup> moves it to a Tuesday.

Chairman McNulty stated well, the 22<sup>nd</sup> is a Tuesday as well.

Board Member Taylor stated 22<sup>nd</sup> is a Monday.

Board Member Brady stated and you want to move it...

Board Member Montesano stated 22<sup>nd</sup> is a Monday.

Chairman McNulty stated Monday.

Board Member Brady stated okay, and you want to move it to when.

Board Member Taylor stated Tuesday.

Boar Montesano stated the following Tuesday.

Board Member Brady stated so we'd have...

Ted Kozlowski stated the 30<sup>th</sup>.

Board Member Brady stated so we'd have two meetings in January.

Chairman McNulty stated no, no, no.

Ted Kozlowski stated no. The 30<sup>th</sup>.

Chairman McNulty stated the 30<sup>th</sup>...

Rich Williams stated that's the 30<sup>th</sup>.

Board Member Montesano stated December 30<sup>th</sup>.

Board Member Brady stated oh, okay. Alright. Well, that's what I'm...Oh, the following...I'm...Oh, okay. I...

Board Member Taylor stated the following week, yeah. There are 31 days in the month.

Board Member Brady stated drugs, they work wonders.

Ron Gainer stated that's right. That's right. Sciatica.

Chairman McNulty stated because the meeting's not till January 8<sup>th</sup>. So, we compress it down.

Board Member Taylor stated okay. So this becomes the Tuesday.

Chairman McNulty stated oaky, so we're going to move the December meeting to the 30<sup>th</sup>. And then on July 9<sup>th</sup>, is a regular meeting and I was wondering why we don't just have it on July 2<sup>nd</sup>.

The Secretary stated it's leading up to the holiday. People go away. It's a long month, we can have little bit flex.

Chairman McNulty stated July 4<sup>th</sup> is on a Saturday this year, so you're only going to take Friday, right. I don't know.

Rich Williams stated you got a problem with the 22<sup>nd</sup>, but not the 2<sup>nd</sup>.

Chairman McNulty stated yeah. The holiday's on a weekend. I'm in construction. I don't get an extra day off. It's when it falls.

[Laughter].

Rich Williams stated you just remember that's about motorcycle season.

Chairman McNulty stated I'm not riding at night anyway, so. Any thoughts on that. We can leave it for the 9<sup>th</sup>. I just brought it up. People go away on a long weekend. Sarah, you're on vacation then.

Ted Kozlowski stated I don't care.

The Secretary stated possibly.

Chairman McNulty stated okay, we'll leave it for the 9<sup>th</sup>. I just brought it up. Everybody good with that.

Board Member Taylor stated yeah.

Chairman McNulty stated alright, so I make a motion to approve the schedule for next year, 2015, with the only change being December 22<sup>nd</sup> go to December 30<sup>th</sup> for 2014.

Board Member Brady stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 5 to 0.

Chairman McNulty stated done. Okay.

Board Member Montesano stated and there you are. What a decision.

Chairman McNulty stated thanks, Sarah. That's good schedule. And then a couple things I saw.

Chairman McNulty stated Post 22, live entertainment, Rich. They're...They just inquiring about that or has been an issue, complaints, or anything.

Rich Williams stated no. They're pursuing having live entertainment there.

Chairman McNulty stated would that require a site plan amendment.

Rich Williams stated no.

Chairman McNulty stated okay.

**d) Empire Tool/Boniello Timeline from Building Inspector**

Chairman McNulty stated and then Empire Power Tool, I see the history went to the Building Inspector. And news there. Anything happening.

Board Member Montesano stated yeah, it's up for sale...

Chairman McNulty stated okay.

Board Member Montesano stated isn't it.

Rich Williams stated hmm.

Board Member Montesano stated isn't Empire up for sale. There's a big sign on the front lawn.

Chairman McNulty stated okay. Well, I guess that brings us back...

Board Member Montesano stated could be he's just trying to sell something.

Chairman McNulty stated back to Fox Run.

Rich Williams stated okay, so...

Chairman McNulty stated to review the...

**e) Pond Repairs on South Quaker Hill Road**

Ted Kozlowski stated just, before you do that, I just handed you out a letter just to give you an update. Just a brief: A gentleman on South Quaker Hill Road has a pond. A neighbor complained. He was trying to fix an erosion problem on the pond. It's not a big issue and he is allowed to do it in our Code because I

consider it an emergency repair to an existing pond. However, his pond is outlined with creosote lined railroad ties which is amazing.

Chairman McNulty stated the fish are big.

Ted Kozlowski stated he didn't do it. He didn't do it, he...He bought it, I mean, when he bought the house....He will remove that but he's got to come in for a wetlands permit for that just because he may have to lower the water of the pond and I'm concerned about downstream residents, the damn that involved and all. So I just want the Town Engineer to make sure and Rich, with erosion controls, that we properly protect downstream residents if and when he comes through with this permit. That's it. It's not complicated.

Chairman McNulty stated okay.

Ron Gainer stated so nothing for me to do until...

Ted Kozlowski stated not...

Ron Gainer stated an application gets filed.

Ted Kozlowski stated right.

## **FOX RUN CONTINUED**

Rich Williams stated so now that we've covered everything else, now we're onto Part 2.

Chairman McNulty stated Part 2 of the Fox Run EAF.

Board Member Montesano stated huh [referring to loud train going by]. You must have sciatica.

Rich Williams stated so...

Chairman McNulty stated alright, so Part 2 of this EAF.

Rich Williams stated yeah, just so you know to start this off, there was some objection to my calling it consistently Fox Run Phase 2. So, Sarah came up with a name and I kind of modified it. From now on, I'm calling this Fox Run Active Adult Residential Project Site Plan.

Board Member Montesano stated I like Phase 2 better.

[Laughter].

Chairman McNulty stated it's not residential development. It's going to be...

The Secretary stated project.

Rich Williams stated project.

Board Member Montesano stated project.

Rich Williams stated it kind of sounds better, Tommy.

[Laughter].

Ron Gainer stated good going, Sarah.

Rich Williams stated because we can now call it the Fox Run AARP Site Plan.

[Laughter].

Ron Gainer stated so you started with the acronym and worked backwards. Alright.

Chairman McNulty stated okay. I'm good with that.

[Laughter].

Board Member Montesano stated hey, whatever.

Chairman McNulty stated so Part 2 of this EAF...

Rich Williams stated yes.

Chairman McNulty stated it's not included in this Full EAF, correct.

Rich Williams stated no, it's not.

Board Member Taylor stated yes, it is.

Rich Williams stated we took it out.

Chairman McNulty stated oh, it is in there.

Board Member Taylor stated it's in there. You printed it out, too.

Rich Williams stated well, the EAF that was just submitted and got circulated, it's not in there.

Board Member Taylor stated no, it's not in that one. No, it's in the one before that. That's the big one. That's that one.

Chairman McNulty stated yeah, it should be...

Board Member Taylor stated yes, it's that one.

Chairman McNulty stated yeah, it should be in this. I thought it was in here.

Board Member Taylor stated it's the little thin, skinny one it's not in. It's in this one, yeah.

Board Member Montesano stated it's not in this one.

Board Member Taylor stated it's page...

Board Member Ladau stated it's in the back.

Board Member Taylor stated I can't tell you what page number it is.

Chairman McNulty stated I remember seeing it in there.

Board Member Taylor stated yeah, it's...

Rich Williams stated it starts on [Page] 11.

Board Member Taylor stated it's just before the first grey divider. Keep going. Keep going.

Chairman McNulty stated appendix C. Appendix B. You said 11.

Board Member Taylor stated yeah.

Chairman McNulty stated there it is.

Board Member Taylor stated yeah, that's it. You got it. Page 1 of 10.

Chairman McNulty stated yup. Alright Rich, you got a comment on this.

Rich Williams stated I'm turning this over to Ron.

Board Member Taylor stated great.

[Laughter].

Board Member Brady stated Ron, you want me to clean your glasses for you before you start.

[Laughter].

Board Member Montesano stated somebody get him a drink of water.

Board Member Taylor stated I should have brought my other pair of glasses.

[Laughter].

Board Member Taylor stated some of this I have no idea on why even some of these things are in here. I've discussed some of it like water table is less than 3 feet.

Rich Williams stated correct.

Board Member Taylor stated is that something we should be concerned about.

Rich Williams stated yes.

Board Member Taylor stated and why.

Rich Williams stated because whether the water table is very low within the soil profile or very high, will affect construction on the site. It will affect erosion, it will affect how you're designing your stormwater. It will affect how you're designing your building and building footprints and where they might want to be located. So yeah, it is a factor that you need to consider.

Board Member Taylor stated okay. Alright.

Rich Williams stated did I miss anything.

Ron Gainer stated no, absolutely. I mean, the whole point of it is to just understand environmental impacts. So, I mean, clearly you can construct around it but you need to be aware of it.

Board Member Taylor stated right.

Ron Gainer stated all he's doing is making sure you're aware of it. It's going to affect his...either his building layout or construction practices.

Board Member Taylor stated alright, so this is something that can really only be answered farther down the pike in terms of whether they have mitigated the problems or not.

Rich Williams stated well, you want to know whether there's a high ground water table in all or a portion of this site and, you know, there's a couple of different ways you can look at that. You know, you can go out there with some equipment and start digging holes till you hit water. But typically what you're going to do when you're doing, you know, you're evaluating the environmental assessment form is you're going to look at soils data. And the Soil Conservation Service USDA, they provide a manual about, you know, the soils and all sorts of different swale characteristics. Their shrink/swell potential. Whether they're suitable for housing and lagoons and the whole gambit of factors. And within the tables, there are charts showing you the typical elevation of ground water within the soil profile for different soil types.

Board Member Taylor stated yeah. Yup.

Rich Williams stated typically, it's very generic. You know, it's usually greater than six feet or less than 6 feet or less than 3 feet or greater than 3 feet. Pretty much everything out here with the exception of the udorthent soils that are on the site. And udorthent soils are soils that have been...experienced considerable disturbance. And the soil profiles out on the site show that the udorthents are in the areas where we saw the garbage dumps and...

Board Member Taylor stated okay.

Rich Williams stated the other disturbance, where they've actually gone out and dug deep hole tests and taken a look at some of this. Other than that, you've got some Charleton...Charleton Hollis...Charleton Chatfield soils on the site. And all those profiles generally have groundwater table, which is typically greater than 6 feet in the ground. They're usually well drain soils.

Board Member Taylor stated okay.

Rich Williams stated or, in the case of the Hollis, there's a lot of bedrock.

Board Member Taylor stated so the areas of the concern, are they building. They're not building on...At presently, the proposed building is not on the area of...

Rich Williams stated well yeah. Some of the buildings are within the udorthent areas...

Board Member Taylor stated so they are.

Rich Williams stated you know, again, they've gone out there. They've done deep holes. They looked at, you know, how much garbage is in the soils and, you know, and based on the excavations they've done out there right now, there wasn't a lot of concern.

Board Member Taylor stated okay.

Rich Williams stated wasn't a lot of concern on my part.

Board Member Taylor stated alright. And...

Rich Williams stated let me phrase it that way.

Board Member Taylor stated yeah. That's what I was wondering.

Chairman McNulty stated just want to note for the record Ted Kozlowski had to leave.

Rich Williams stated okay.

Chairman McNulty stated okay. Alright. So what do we check there. Is this a no or small, or a moderate to large impact for the water.

Board Member Taylor stated well...

Board Member Ladau stated potentially a large impact...

Board Member Taylor stated if they build in those areas.

Board Member Ladau stated well...

Chairman McNulty stated so that would be a yes because...

Board Member Taylor stated but right now, they're proposing not building too much in those areas.

Rich Williams stated well you know, again, everything out there you don't have a problem with the high ground water table on the site based on all the information we've seen. So what would the impact be. If they had ground water right to the table, i.e. a wetland, and...

Board Member Ladau stated yeah.

Rich Williams stated we're going to put houses on a wetland and they were going to alter that, then I'd say yeah maybe you're going to have a large impact and maybe you need to look at how that's going to be mitigated. But everything we've seen out there so far says the groundwater's 6 feet or lower.

Board Member Ladau stated okay. What happens though, they're proposing to remove one hell of a lot of rock.

Rich Williams stated correct.

Board Member Ladau stated and what will that do in terms of the level of the groundwater.

Rich Williams stated generally not a lot.

Board Member Ladau stated I don't think so because they're going to bulldoze that right down to the ground or go below.

Rich Williams stated well, if they're excavating down into the ground but they're not really proposing to dig down into the ground, the bedrock that they're moving...They're moving around so that they can fit the houses in the side...

Board Member Ladau stated mmhmm.

Rich Williams stated of the hill.

Board Member Ladau stated yeah, and the road.

Board Member Brady stated the roads. They're doing a lot of cutting for the roads.

Board Member Ladau stated oh yeah. An enormous amount of cutting.

Board Member Brady stated the house and you walk through there again.

Board Member Taylor stated and we may ask them to do even more cutting.

Chairman McNulty stated yup.

Board Member Taylor stated would you want to...If they want to bring those things down off the ridgeline, it would involve more cutting, would it not. They would have to...

Rich Williams stated well, I would hope that they would build within the topography that's out there; they'd bring it far enough back and just drop them down in.

Board Member Taylor stated but they seem to be saying though when we asked about it before that they had decided they couldn't do that. That it wouldn't drop right and it would require them to remove a lot more rock to fit them in there.

Rich Williams stated well, that's their opinion of how they would have to build it.

Board Member Taylor stated yeah.

Chairman McNulty stated okay. So, let's check this box off as no to small impact, but to note that there could be an impact.

Board Member Ladau stated mmhmm.

Rich Williams stated which box...

Chairman McNulty stated we don't know...

Rich Williams stated which box are we checking here.

Chairman McNulty stated okay, we're on section 1: Impact on Land, correct.

Rich Williams stated right.

Chairman McNulty stated so it would be 1(a): the proposed action may involve construction on land where depth of water table is less than 3 feet.

Rich Williams stated is that what you have on the first one, or you have the 15% or greater.

Board Member Taylor stated no, 15% is number 2.

Chairman McNulty stated is 1(b).

Board Member Montesano stated I don't know...

Chairman McNulty stated yeah.

Board Member Montesano stated if that's the right one.

Board Member Brady stated that's the traffic one.

Board Member Montesano stated yeah. That's not even it.

Board Member Brady stated oh.

Rich Williams stated I think I've got an entirely different one.

Board Member Taylor stated uh oh.

[Laughter].

Chairman McNulty stated you want to copy ours so we're all on the same page.

[Laughter].

Board Member Taylor stated so one of us is the old and one of us is the new.

Rich Williams stated I thought this was the newer one...

Board Member Taylor stated yeah, that's...

Rich Williams stated when I printed it out.

Board Member Taylor stated we better be following the new one.

Board Member Ladau stated what's the date...The last one I have is September 2014.

Board Member Taylor stated no, but that...That's not what we mean.

Board Member Ladau stated oh.

Chairman McNulty stated the actual EAF.

Board Member Taylor stated the State revised the EAF...

Board Member Ladau stated oh, okay.

Board Member Taylor stated did the Applicant...

Chairman McNulty stated how many pages is yours.

Board Member Taylor stated include the new EAF or the old one.

Rich Williams stated I don't have dates.

Chairman McNulty stated pages.

Board Member Taylor stated pages don't have dates.

Rich Williams stated oh, pages. Mine runs 11 to...

Board Member Taylor stated ten. We've got ten pages.

Chairman McNulty stated we have 10 pages.

Rich Williams stated well, I've got a bunch of stuff here so...

Board Member Taylor stated what was in the old one...

Rich Williams stated yeah, I've got 10 pages, too.

Chairman McNulty stated and we start with item 1 and we go to item 18.

Rich Williams stated okay, well we can fix this real quick.

Board Member Taylor stated yeah, he...Check the State site, he'll let us know. Alright, well it's...Ron, help me out here. But if I read the SEQRA regs right, it says if you're uncertain about something check it as a major...

Ron Gainer stated exactly.

Board Member Taylor stated and you deal with it down the line. If you check it as a minor it drops away in terms of you considering it.

Ron Gainer stated (inaudible) the last thing for Part 3 elaboration just so you can get some clear (inaudible) summary of that specific impact.

Board Member Montesano stated now we're in business.

Ron Gainer stated define the soil class, define what it says. Define either construction suitability for whatever it is, roads, structures, stuff like that. Summarize that in the Part 3 Elaboration if you want.

Board Member Taylor stated or we can wait until...I mean, if we do come up with enough major, they can deal with that...

Bora

Montesano stated getting better.

Ron Gainer stated well even if...

Board Member Taylor stated as part of the scoping.

Chairman McNulty stated alright, so with that information said, we'll go with Part 1(a) as a moderate to large impact may occur...

Board Member Taylor stated possible, yeah. Potential.

Chairman McNulty stated possible and will have to be investigated. Okay.

Board Member Taylor stated okay.

Chairman McNulty stated then we go to 1(b): Proposed action may involve construction of slopes of 15% or greater. I would say that's a yes for that area.

Board Member Ladau stated yeah.

Chairman McNulty stated they had marked no.

Board Member Taylor stated yeah, well that's why we're doing it.

Chairman McNulty stated 1(c): Proposed action may involve construction on land where bedrock is exposed or generally within 5 feet of existing ground surface.

Board Member Taylor stated now, why is that a problem environmentally. It seems that bedrock would be easier to build on bedrock, wouldn't it.

Ron Gainer stated that's again, that's just a construction impact. Could be neighbor impacts.

Chairman McNulty stated yeah.

Board Member Taylor stated because of having to remove the bedrock and so on.

Rich Williams stated because...

Ron Gainer stated of the blasting.

Rich Williams stated because of the blasting.

Chairman McNulty stated yeah.

Ron gainer stated right.

Chairman McNulty stated and again, they have no but it's a yes clearly.

Board Member Taylor stated yeah.

Chairman McNulty stated 1(d): Proposed action may involve the excavation and removal or more than...

Rich Williams stated can I just... You know, they're not saying it's a no. They're saying it's either...

Chairman McNulty stated it's a no or small impact.

Rich Williams stated a no or a small impact may occur. What they're basically saying here is that yeah, there's going to be an impact but it's going to be very small.

Chairman McNulty stated yeah.

Rich Williams stated if you're saying an outright no when you're filling this out, you're not putting a checkmark anywhere.

Board Member Taylor stated yeah, so you're just...

Chairman McNulty stated okay.

Board Member Taylor stated you just rephrase the way you're saying is all.

Chairman McNulty stated so no or small impact is what they had selected and we're going to disagree with that.

Board Member Taylor stated yeah.

Chairman McNulty stated proposed action may involve exaction and removal of more than 1,000 tons of natural material. Now, is removal different than moving around.

Rich Williams stated I would say typically removal is moving it off the site.

Board Member Taylor stated off of the site. What's our estimate on... They're going to be able to reuse this stuff on site. Is that...

Board Member Brady stated oh, I think so. They're going to fill in for those roads.

Chairman McNulty stated I would say...

Ron Gainer stated I don't know if they've done an analysis of that yet...

Board Member Brady stated yeah.

Ron Gainer stated have they. I don't remember seeing any...

Rich Williams stated oh, I haven't seen any...any analysis, per se. I'm assuming they've done something in-house.

Chairman McNulty stated well, I just worked on a site...I'm working on a site now...

Ron Gainer stated it's 750 cubic yards more or less.

Chairman McNulty stated yeah, we just took out 240 cubic yards for a 7 foot wide trench on a building 60'x50'. So I would say this would be a moderate to large impact.

Ron gainer stated potential. Right.

Chairman McNulty stated potential. Move along to 1(e): Proposed action may involve construction that continues for more than 1 year in multiple phases. Again, they had listed no or small impact. They have said they want to build in phases. But they haven't said how many, correct.

Rich Williams stated true and I assume that it's going to be market driven. Eighty units is probably going to take them a number of years to build out.

Board Member Brady stated now, if this site plan was approved...

Chairman McNulty stated that's an odd question.

Board Member Brady stated for...with all the buildings they have and they phase it, now let's just for arguments sake, they build the first two and they don't build the next...anything else for 5 years, will they have to come back and get the approvals every year again. Renew it.

Rich Williams stated no.

Board Member Brady stated like, what...

Rich Williams stated as long as they're actively pursuing their permits and construction. Then they would be grandfathered in.

Board Member Taylor stated so I would say the question here is, is this site in an area where it's going to cause a problem if they're phasing it. Would...There are sites down the road where there are open building lots that have never built on down in the Tommy Thurber area. Right, there are whole sections of those subdivisions where they haven't built, but is that a problem.

Chairman McNulty stated I don't think that's a problem with this.

Board Member Brady stated yeah, I wouldn't think that's a...

Chairman McNulty stated I don't...

Board Member Taylor stated so I...

Chairman McNulty stated it's not contiguous with it.

Board Member Taylor stated yeah. So I...

Chairman McNulty stated it's a separation.

Board Member Taylor stated Yeah, so I would agree with him. If there's an impact, it's going to be a minor impact. It's not something...And plus, this one is tucked away and behind. Alright. Increased erosion, whether from physical.

Chairman McNulty stated proposed action may result in increased erosion, whether physical disturbance or vegetation removal (including from treatment of herbicides). Well, I'd say that be a moderate to large impact.

Board Member Taylor stated yeah.

Chairman McNulty stated that's a pretty large area they're going to be taken over.

Board Member Taylor stated yeah, that's something that needs to be monitored. Ted was concerned about them killing the trees along the ridgeline.

Board Member Brady stated yeah.

Board Member Taylor stated if they got too close to them.

Chairman McNulty stated mmhmm. Again, they selected no or small impact. But in agreement it would be a...

Board Member Brady stated uh, it's large.

Chairman McNulty stated yup.

Board Member Ladau stated yeah.

Chairman McNulty stated oaky. Item 1(g): The proposed...

Board Member Taylor stated doesn't apply.

Chairman McNulty stated or may be, located...Doesn't apply. Okay.

Board Member Taylor stated doesn't apply.

Chairman McNulty stated should be not checked as a no then, right.

Board Member Taylor stated should be a doesn't apply. They don't allow that, so...

Chairman McNulty stated DNA.

Board Member Taylor stated yeah.

Chairman McNulty stated other impacts, 1(h).

Board Member Taylor stated we really didn't really pick up on anything, did we.

Chairman McNulty stated for impact on land.

Board Member Taylor stated yeah. It's pretty well covered.

Chairman McNulty stated yeah.

Board Member Taylor stated you see anything else that would...Okay.

Chairman McNulty stated so we can move on to item 2 which would be Impact of Geological Features. The Applicant has selected no for the proposed action may result in the modification or destruction of, or inhibit access to any unique or unusual land forms on the site (cliffs, dunes, minerals, fossils, caves, etcetera).

Board Member Taylor stated I would agree with them, it's no.

Board Member Brady stated oh wait a minute, what about the mattress that's out there.

Board Member Taylor stated oh.

[Laughter].

Board Member Taylor stated they're going to remove it.

Chairman McNulty stated or the basketball court.

Board Member Brady stated the basketball court there.

[Laughter].

Board Member Montesano stated very picky.

Chairman McNulty stated yeah, I would agree. No is satisfactory for that. Impacts on Surface Water; Item 3. The proposed action may affect one or more wetlands or other surface water bodies (streams, rivers, ponds or lakes, etcetera).

Board Member Taylor stated I would say...

Chairman McNulty stated they've selected no, but we did identify one small, wet area.

Board Member Brady stated yeah.

Chairman McNulty stated correct. But it's not a true wetlands.

Rich Williams stated it's not a regulated wetland area.

Chairman McNulty stated yeah, I didn't see much other than that. So I'm comfortable with that no checkmark.

Board Member Taylor stated well, I was just wondering about...I mean, the problem with all of these is if they don't do it right, yes, of course it will produce these. If they don't put the right SWPPP together or if they don't put their...When they're doing construction, build their fences right and do those things, then there's going to be runoff and it's going to go downstream.

Chairman McNulty stated but I think they're...I think this is...The way I see this is the local surface waters.

Board Member Taylor stated yes. That would be surface water.

Chairman McNulty stated but we haven't identified any local water.

Board Member Brady stated I think what Ron's saying is like even runoff rain, when they do the construction you have it all...the earth all disturbed. You've got to put your silt fences up and do them properly otherwise that's...

Chairman McNulty stated I understand, but that would be under the erosion control and the...

Board Member Brady stated yeah.

Chairman McNulty stated monitoring. But the surface...

Board Member Montesano stated would that go into section 4.

Chairman McNulty stated if there was a lake right up against the back of this property or a stream that we saw...

Board Member Brady stated right.

Chairman McNulty stated then I would say this is yes. But I didn't see any wetland or water body...

Board Member Taylor stated no. There's nothing there.

Board Member Brady stated no.

Board Member Montesano stated would the...

Chairman McNulty stated I think that's the point of that.

Board Member Montesano stated lake on the other side of the hill be affected by this.

Board Member Taylor stated no. I would answer this no and agree with them because...

Chairman McNulty stated yup.

Board Member Taylor stated any that might occur we're going to control anyway.

Chair  
Stated yeah.

Board Member Taylor stated I mean, all that stuff's in place. They can't construct...

Chairman McNulty stated mmhmm.

Board Member Taylor stated it's not something they're going to be able to get away with. SO, yeah. Okay.

Chairman McNulty stated so we go to item 4: Impact of Groundwater.

Rich Williams stated just so you know my two cents on this, we go back to Part 1. I wouldn't have answered any of those as moderate to large impact. When we get to Part 3, I would have checked the yes box and for e, h, i, and k, I would have answered small impact may occur. For what it's worth.

Board Member Taylor stated based on what I was saying because of what they're doing there, it's going to affect...

Rich Williams stated there's a potential.

Board Member Taylor stated surface water. Yeah

Rich Williams stated can it be mitigated. Yeah, it can be mitigated.

Board Member Taylor stated yeah.

Rich Williams stated and the waste water treatment plant, even though they're not going to physically expand the wastewater treatment plant, they are going to increase the discharge of that (inaudible).

Chairman McNulty stated so what are you saying, we should read this reverse: backwards.

[Laughter].

Rich Williams stated well, I'm just...I, you know...

Chairman McNulty stated well maybe, instead of we jump ahead, we should review the sub comments...

Board Member Taylor stated yeah.

Chairman McNulty stated to see if any of them do apply.

Rich Williams stated yeah, it's interesting to see the different points of view.

Chairman McNulty stated okay.

Board Member Taylor stated yeah. I can see...

Chairman McNulty stated you're having fun over there. You're grinning.

Board Member Taylor stated I can see checking the way Rich just said. Those were the questions I was kind of raising.

Rich Williams stated yeah.

Board Member Taylor stated but we assume that we're going to control those impacts and therefore we would check it as small.

Rich Williams stated right.

Chairman McNulty stated which ones would you have check again on 3.

Board Member Montesano stated e, h, i and k.

Board Member Taylor stated so...yup. May cause soil erosion.

Chairman McNulty stated okay. Well, on item h, the last of the line, lead to siltation or other degradation of receiving water bodies. What water bodies would be in consideration.

Board Member Taylor stated water...

Rich Williams stated water always flows downhill and it's going to find a stream, a wetland or a pond someplace. So, I don't know which way it's going to go. It may go down to the pond on the Fox Run site if it's heading that way. It may go to the wetland that's on the other side of the Patterson Interstate Business Park landfill. You know, or...

Chairman McNulty stated well, it's eventually going to get to the Hudson, too.

Rich Williams stated yeah.

Board Member Taylor stated you know, well that's what we have to be concerned about.

Chairman McNulty stated well, I understand but the way I see this, unless I didn't see a clarification, I would consider a water...a real water...existing water body somewhere close by, within the site or right up against the site. And the ones you're noting seem to have some distance. Not to say that water won't reach it. But as a general impact on surface water, it says in the beginning proposed action affect one or more wetlands or other surface water bodies...

Board Member Taylor stated wetlands.

Chairman McNulty stated doesn't give you a distance.

Rich Williams stated I guess...

Chairman McNulty stated streams, rivers, ponds or lakes.

Rich Williams stated regardless of the distance, the question is if muddy water runs off the site will it reach the water body. Whether it's a stream, a wetland, or a pond.

Chairman McNulty stated don't know. Question is will it still be muddy by the time it gets there.

Rich Williams stated right. What's going to take the mud out.

Board Member Brady stated and will the silt fence that they put up take them...stop that.

Rich Williams stated but that's mitigation. That's not...

Board Member Brady stated okay.

Rich Williams stated you know, that's...That's how you mitigate the small to moderate impacts.

Chairman McNulty stated mmhmm. See, I...

Rich Williams stated so I...I'm just, you know...

Chairman McNulty stated okay.

Rich Williams stated your answers are fine, you know. It's, again, this is all a very subjective...

Chairman McNulty stated yeah it is.

Rich Williams stated review.

Chairman McNulty stated alright, so we're going to move on to number 4: Impact of Groundwater. The applicant has checked yes.

Board Member Taylor stated yeah, because they're going to pump.

Chairman McNulty stated yeah. The proposed action may result in new or additional use of groundwater or may have a potential to introduce contaminants to ground water or an aquifer. Item (a) proposed action may require new water supply wells, create additional demand on supplies. Now, they're using existing wells, aren't they.

Rich Williams stated is anything checked in yours.

Board Member Taylor stated no. They didn't check it.

Board Member Brady stated no.

Chairman McNulty stated no, they did not check.

Board Member Taylor stated they didn't check it. No, they're putting in new ones.

Rich Williams stated no, they are not. They are proposing new ground water wells. They are anticipating that they're going to be using...What the hell did I figure. It's a little over 25,000 gallons per day. Somewhere in that neighborhood.

Chairman McNulty stated I don't remember.

Ron Gainer stated I think it was 30 plus, but...

Rich Williams stated well...

Ron Gainer stated in that range, yeah.

Rich Williams stated if it's 172 bedrooms times 150.

Ron Gainer stated no.

Rich Williams stated unless you're going to beat me up on the water savings.

Ron Gainer stated no, I'm not.

Rich Williams stated okay, thank you.

Ron Gainer stated I'm...At least you're paying attention. That's good.

Board Member Taylor stated so it there any...Has there been any word from that neighborhood in the drought years that they were having trouble with water there. Do they...

Rich Williams stated Fox Run.

Chairman McNulty stated yeah.

Board Member Taylor stated yeah.

Rich Williams stated I've constantly got problems with the wells out there but I don't know that it has to do so much with the droughts.

Board Member Taylor stated with the water supply.

Chairman McNulty stated volume of water or contamination of water.

Rich Williams stated volume. They've got some crappy wells out there. They've done some funky things. I've got a well out there that's the best producing we;; I've got that they've dropped a pump down in.

[Laughter].

Rich Williams stated so I can't use it. Someday I want to try to push that...

Chairman McNulty stated you can't get it out there.

Rich Williams stated out. Nobody's tried yet but, you know...

Board Member Brady stated how deep is it.

Rich Williams stated 700 feet.

Board Member Brady stated oh, Jesus.

[Laughter].

Board Member Montesano stated you better get a big magnet.

Chairman McNulty stated that's a big magnet, yeah.

[Laughter].

Board Member Taylor stated so, but you don't think it's the water supply. You think it's the delivery system.

Rich Williams stated no...I think...No. It's not. I think it's the wells and the area, not a drought factor. Not an environmental weather factor.

Board Member Taylor stated okay.

Rich William stated I think it's just, you know, it's a crappy area for groundwater because of the bedrock out there...

Board Member Taylor stated oh, okay. So you...

Rich Williams stated you know, trying to hit the fishers and they've just got some crappy wells out there.

Board Member Taylor stated so, water supply may be a concern then. Is that what you're saying.

Chairman McNulty stated I think there's the possibility. They're going to put a demand on the system.

Board Member Ladau stated yeah. Or...

Rich Williams stated no, their wells are going to be far enough away from Fox Run so they're not going to impact, but...

Chairman McNulty stated but...

Rich Williams stated you know, they're going to be drilling down in bedrock and they may have some difficulty getting good producing wells in right from the get go. You know, in this area, you can always hit water. You may have to go very deep. You may have to put in multiple wells, but you're always going to hit water. And they've got enough land out there: they're saying three, four, five wells if they wanted to.

Chairman McNulty stated and they question is, action may require new water supply wells. So...

Board Member Taylor stated again, we're faced with is...This is a situation they're going to have to deal with, one way or another. Whether we make...Right. I mean, they've got to deal with water situation.

Rich Williams stated yeah.

Board Member Taylor stated I mean, that's...

Rich Williams stated they're going to have to produce a water supply system that addresses the demand of the 80 units. The 172 bedrooms.

Board Member Taylor stated right. So it's not something that we have to worry about mitigating then.

Rich Williams stated no.

Board Member Taylor stated I mean, that's what I would say. It's not...This is another...

Board Member Brady stated yeah.

Board Member Taylor stated one of those factors where it may be big, but if it's big, they're going to have to deal with it no matter what we say.

Board Member Montesano stated yeah, and...

Board Member Brady stated right, because the Health Department's going to make them have...

Board Member Montesano stated the Health Department's going to...

Board Member Brady stated a certain amount of...

Chairman McNulty stated yeah, but at what point...

Board Member Brady stated gallons per minute.

Chairman McNulty stated at some time down the road does it become a Town problem if they run out of water. Ten years from now.

Rich Williams stated well, it's going to private not be [Train going by]. Always going to be private unless we're foolish enough to take it over like we did with Fox Run.

[Laughter].

Chairman McNulty stated okay. Well, I would say...I don't think it's a no.

Board Member Brady stated can I get the Town to take mine over.

Board Member Taylor stated or small.

Rich Williams stated huh.

Board Member Brady stated can I get the Town to take mine over.

Board Member Taylor stated alright, well let's...

Rich Williams stated ask the Town Board.

Chairman McNulty stated let's check it small.

Board Member Taylor stated well, that's what I was proposing: we check it small.

Chairman McNulty stated okay.

Board Member Taylor stated because it's going to be dealt with.

Chairman McNulty stated mmhmm.

Board Member Taylor stated I mean, this form doesn't allow us really to answer in that way. But I think there are some thing we don't have to worry about because they're going to be taken care of.

Chairman McNulty stated yeah.

Board Member Taylor stated we've got to be worried about the ones that aren't going to take care of. That we...

Ron Gainer stated at the end of the day, for anything that you have concerned as you have identified, you're going to ask for a Part 3 Elaboration to...

Chairman McNulty stated yup.

Ron Gainer stated let him offer a response. You'll decide if it's worthy, you know, appropriate mitigation.

Chairman McNulty stated yeah. Okay, item 4(b): Water supply demand form the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.

Board Member Brady stated it's an unknown.

Chairman McNulty stated yeah.

Board Member Taylor stated what's it saying. We just had that discussion.

Chairman McNulty stated yup.

Board Member Taylor stated so...

Board Member Brady stated they said no or...

Chairman McNulty stated well, they said no or small impact.

Board Member Taylor stated yeah. So we should...I mean, it would be the same as the one we just answered, I would think.

Chairman McNulty stated just thinking to save time for Sarah and all the minutes, I'm not going to keep reading all these out. I just thought of that so we'll move on to 1(c). Take a look at it.

Board Member Montesano stated 1(c).

Chairman McNulty stated 4(c), I'm sorry.

Board Member Taylor stated (c) doesn't....No.

Chairman McNulty stated yeah.

Board Member Taylor stated it doesn't apply, so...

Chairman McNulty stated nope. 1(d).

Board Member Taylor stated again, that's not allowed, right. Wastewater discharged to groundwater. That's not going to happen.

Chairman McNulty stated it's not going to happen.

Rich Williams stated not going to happen.

Chairman McNulty stated so that should be a no.

Rich Williams stated well...No, what am I saying.

Board Member Taylor stated it's going to be treated though...

Rich Williams stated no, it's going to be surface water so no.

Chairman McNulty stated 4(e).

Board Member Taylor stated groundwater...contaminated. My only question there was, you know, we know we got the landfill downhill. Is there any chance that whatever's there is going to get into their groundwater and...

Rich Williams stated typically...

Chairman McNulty stated I'm...

Rich Williams stated groundwater flows in the direction of the topography.

Board Member Taylor stated okay, so it would be going the other direction.

Rich Williams stated so it should be flowing away. Should be.

Board Member Taylor stated but if they're dropping a 700' well...

Rich Williams stated it still should be flowing away.

Board Member Taylor stated yeah.

Chairman McNulty stated well, we have a contaminated site in the...in proximity. So I would leave it as no or small impact, as they have it selected. Any thoughts.

Board Member Taylor stated well, what you just said doesn't make sense.

Chairman McNulty stated wouldn't be the first time.

[Laughter].

Board Member Taylor stated you said we do have a contaminated site within the vicinity, which would seem to mean the next thing you would say then is it's going to be a potential major impact on them.

Chairman McNulty stated but it's downhill...

Board Member Taylor stated but it's...

Chairman McNulty stated from the topography.

Board Member Taylor stated okay, then that's fine.

Chairman McNulty stated that's better.

Board Member Taylor stated yes.

Chairman McNulty stated okay.

Board Member Taylor stated alright. I would agree with that. I have no idea. Is there any...Do we have any reason to suspect that this stuff might be there. I mean, there's no monitoring of this. We've got no idea really. So...

Chairman McNulty stated other than the fact that we know it's there.

Board Member Taylor stated we know it's there, yeah. So...

Chairman McNulty stated 4(f).

Board Member Taylor stated and that's a no.

Chairman McNulty stated yup. Four...

Rich Williams stated when you say no, you mean they've checked no or small impact.

Board Member Taylor stated small. Well, what I mean is it's another one they're going...that's dealt by the regulations...to be handled by the regulations, right.

Rich Williams stated so there shouldn't be a check there.

Chairman McNulty stated it doesn't apply really.

Board Member Taylor stated well...

Chairman McNulty stated there's no bulk storage petroleum or chemical, unless they're going to...There's an underground oil tank 550, 2,000 gallon tank count for petroleum.

Ron Gainer stated yeah, I would think it would.

Chairman McNulty stated yup. So we don't know how they're going to heat these homes. And with the unknowing, I would list it as a no or small impact to put it on the radar.

Board Member Taylor stated well, it doesn't put it on the radar though. If you...All those that are no or small drop away from our consideration. That's what I'm trying to say, that there...but there are...

Chairman McNulty stated would the no drop away from our consideration.

Board Member Taylor stated no, only the majors...

Rich Williams stated only the moderate to large impacts typically get addressed ...

Chairman McNulty stated in the Part 3.

Rich Williams stated in the Part 3.

Board Member Taylor stated yes. But this again is one that's regulated, right. I mean, they're not going to be able to put tanks in the ground without a lot of oversight. So I don't think we need to worry about that. It's taken care of in the rest of the regulations.

Chairman McNulty stated so we can leave it as no or...

Board Member Montesano stated would that be more of a...

Chairman McNulty stated a small impact.

Board Member Montesano stated Health Department issue.

Board Member Taylor stated yeah.

Board Member Montesano stated than us.

Rich Williams stated DEP regulates cold petroleum...

Board Member Montesano stated that's even better.

Rich Williams stated storage.

Board Member Montesano stated that's even better.

Chairman McNulty stated okay.

Board Member Taylor stated and...

Chairman McNulty stated 4(g).

Board Member Taylor stated commercial application of pesticides. That doesn't apply, right.

Board Member Montesano stated that we know of. They maintain their own grounds.

Chairman McNulty stated does lawn care consider pesticides. I mean, how does that work. We have to treat for mosquitos.

Board Member Taylor stated well it...

Board Member Brady stated fertilizer.

Chairman McNulty stated we don't know.

Board Member Taylor stated but that's another one that's regulated, isn't it. Or isn't it...is it. I mean...

Rich Williams stated commercial application of pesticides is regulated. You have to be licensed. You have to...

Chairman McNulty stated yeah.

Rich Williams stated post notice. And public water supplies are typically monitored for pesticides, herbicides and other SOCs, POCs.

Chairman McNulty stated well, it's going to be landscaped areas, so I would say the possibility is there but it would be smaller, no impact.

Board Member Taylor stated because it's regulated, yeah.

Chairman McNulty stated so what's selected is good.

Board Member Taylor stated okay.

Chairman McNulty stated alright, any other inputs...impacts that anybody could think of for groundwater. Okay, move onto 5: Impact on Flooding. They've selected no. The proposed action may result in development on lands subject to flooding. Is there any history in that area of flooding, Rich.

Rich Williams stated no, they're not in the floodway nor are they on the floodplain.

Board Member Taylor stated well, maybe when Noah was...

[Laughter].

Board Member Taylor stated looking for high ground.

Chairman McNulty stated the historian's coming out in you, Ron.

Board Member Taylor stated yeah.

Chairman McNulty stated okay, we'll move onto 6: Impacts on Air. Applicant has selected no. I can't think of any...

Board Member Brady stated well, the only thing there that would be an impact is if they use oil fired furnaces. That would be an impact on air, right.

Rich Williams stated yup.

Board Member Taylor stated and methane from the...

Rich Williams stated but there are a number of thresholds here. You need to consider whether they break those thresholds.

Chairman McNulty stated that's above my head, that question.

Board Member Taylor stated well, that's where we ask our experts. Is there any indication that we should be checking yes and going through this.

Chairman McNulty stated see this, Ron. Are you familiar with this page.

Ron Gainer stated yeah. No, I am. I mean, I didn't bring mine with me but I know where you are. So...

Board Member Taylor stated well, I mean, do we worry about methane from the plant or..

Rich Williams stated typically you're going to be looking...These thresholds are typically associated with a heavy industrial use.

Ron Gainer stated yeah, a major generator, not...

Rich Williams stated some sort of...

Ron Gainer stated not residential.

Rich Williams stated yeah.

Board Member Taylor stated okay. So then, we can...

Chairman McNulty stated so no is satisfactory for that. That brings us to number 7: Impact on Plants and Animals. They've selected yes.

Board Member Montesano stated salamander get it again.

Chairman McNulty stated move to 7(a).

Board Member Taylor stated (a) should be checked no.

Rich Williams stated (a) should be checked no.

Board Member Taylor stated they did they study, right.

Rich Williams stated yeah, but typically when you're going to do an environmental assessment form, you go on the DEC site. You look to see if there's anything on their environmental mapper. If there is, you're going to check yes and you're going to check the boxes. Then in Part 3...

Board Member Taylor stated you would say they checked it.

Rich Williams stated for an expanded EAF, you're going to explain, you know, that you did take a look at it, you know, shining bedstraw is something of concern but they did evaluate it and it's not on the site.

Board Member Taylor stated okay.

Chairman McNulty stated so it becomes a moderate to large impact. So we put it on the...

Board Member Taylor stated potentially, yes. Because it was flagged by...

Rich Williams stated I...

Board Member Taylor stated the mapper.

Chairman McNulty stated I don't know. I think they came...But they did come back with the...

Board Member Taylor stated but what Rich is saying, we've got to deal with it at another stage...

Chairman McNulty stated yeah.

Board Member Taylor stated rather than this stage. Is that kind of what you're saying.

Rich Williams stated what I'm saying is I would check the yes box because there was a potential for shining bedstraw on it.

Board Member Taylor stated yes.

Rich Williams stated they did the analysis that it's not on the site so then I would check the no or small...

Board Member Taylor stated underneath the (a) one, check the no box.

Chairman McNulty stated yeah, that's...

Rich Williams stated because they've explained it within Part 1.

Board Member Taylor stated right.

Chairman McNulty stated yeah, that's the way I see it, too.

Board Member Taylor stated okay.

Chairman McNulty stated one...7(b).

Board Member Taylor stated I would agree with them. I think the only one that caused the yes was the shining bedstraw.

Rich Williams stated mmhmm.

Board Member Taylor stated nothing else came up and since they've addressed that, I would say that this whole section's taken care of. And most of this stuff is...It's predefined. These impacts are predefined. You know, is it a national resource. Is it a endangered species as defined by...

Chairman McNulty stated yeah, I would be in agreement with the rest of the items in number 7.

Board Member Taylor stated okay. Agricultural resources. That seems like...

Chairman McNulty stated just so you know, on item (j) they do note the shining bedstraw there.

Board Member Taylor stated yeah.

Chairman McNulty stated okay, item 8: Impact on Agricultural Resources. They have no selected.

Board Member Taylor stated I would agree that there's no agricultural resources there anymore.

Chairman McNulty stated yeah. Nothing in the area. Okay. Moving to item 9: Impact on aesthetic resources. They have no selected. I know we've talked about the ridgeline.

Board Member Brady stated yeah.

Chairman McNulty stated do any of these questions address that.

Board Member Brady stated I would say yes.

Board Member Taylor stated we have that's...

Board Member Montesano stated yeah.

Board Member Brady stated the height of the buildings.

Chairman McNulty stated mmhmm.

Board Member Montesano stated yeah, that covers everything.

Board Member Taylor stated but (a) is a no because, again, it's a designated resource. Officially designated. Officially designated scenic view for number (b).

Board Member Montesano stated yeah, but...

Chairman McNulty stated does the Interstate highways make that Federal.

Board Member Montesano stated it is Federal.

Rich Williams stated but it's...

Board Member Taylor stated but it's not...

Chairman McNulty stated it's an unofficially...

Rich Williams stated designated scenic highway.

Board Member Taylor stated it's not a designated scenic view, yeah.

Chairman McNulty stated but is that a scenic way on 84.

Board Member Brady stated you want to make a motion today to make it one.

Rich Williams stated only if you're a democrat and up in Albany.

[Laughter].

Board Member Montesano stated they don't want get the... We want to get the feds involved. You still have to be a democrat and call.

Board Member Taylor stated alright, (c) it's certainly going to be visibly the way they proposed it.

Chairman McNulty stated yeah, (c) would definitely be a moderate to large impact I would say.

Board Member Brady stated yes.

Board Member Taylor stated which is what we're contending.

Rich William stated what publicly accessible vantage points are there.

Chairman McNulty stated 84. It's a public byway, isn't it.

Board Member Taylor stated and then that's answered by (d), isn't it. Viewers are engaged while viewing the proposed action is routine travel. And, while, it would be both of them.

Board Member Montesano stated it would be both of them.

Board Member Taylor stated if there are tourists on I-84 then...

Board Member Montesano stated yeah, only when they're driving trailers and motorhomes.

Board Member Brady stated yeah, while this is kind of...

Chairman McNulty stated it's also visible from across the way...

Rich Williams stated so...so (d) would be moderate to large, that's what you're saying.

Board Member Taylor stated yeah.

Chairman McNulty stated I would say (c) and (d).

Board Member Taylor stated yeah. I think...

Chairman McNulty stated and then they...

Board Member Taylor stated (e) is again designated resource.

Chairman McNulty stated I don't know if (d) sub item (ii) would be considered that. Recreational or tourism based activities.

Board Member Taylor stated who.

Chairman McNulty stated that would be little to no impact.

Board Member Taylor stated while, with tourism, people are...Oh. You mean are they engaged in the activity at the time they are doing the viewing.

Board Member Montesano stated what about all the motorhomes on 84 that go by and by.

Chairman McNulty stated they're not parked.

Board Member Taylor stated yeah...

Board Member Montesano stated that's beside the point. But they'd still see it.

Chairman McNulty stated I would say...

Board Member Brady stated that's no.

Chairman McNulty stated no to small impact on that. Item 9(e).

Board Member Montesano stated (inaudible).

Board Member Taylor stated again, it says a designated aesthetic resource. So it would has to be no then.

Chairman McNulty stated I would say no to...Okay.

Board Member Montesano stated alright.

Board Member Taylor stated and (f), I have no idea what they're talking about even.

Chairman McNulty stated there are similar projects visible within the following distance of the proposed project.

Board Member Taylor stated so are there other housing developments.

Chairman McNulty stated Fox Run itself...

Board Member Taylor stated it's that what they're saying.

Board Member Ladau stated yeah.

Chairman McNulty stated Phase 1.

Board Member Montesano stated Fox Run is right there.

Board Member Taylor stated visible though.

Rich Williams stated in this case that's what it would mean. You have to remember, these are generic forms...

Board Member Taylor stated yeah.

Rich Williams stated trying to pull information...

Board Member Montesano stated only if I look up from the...

Rich Williams stated out and try to evaluate it as...

Board Member Montesano stated parking lot and when I park my car would I see it.

Board Member Brady stated Costco. Wouldn't that be...Where they're going to build a Costco. Isn't that right across from there.

Rich Williams stated right across the street.

Board Member Brady stated yeah. So...It would impact them there, right. People would have to look at Costco.

Rich Williams stated yeah.

Board Member Taylor stated are there similar projects...

Rich Williams stated but then is Costco...

Board Member Brady stated ever going to be there.

Rich Williams stated the negative impact or is the condominiums the negative impact or the...

Chairman McNulty stated well, Fox Run the first phase would be the impact. But is that considered large or is it small. That's...I would say it's a small impact. It's only going to help that area, I believe.

Board Member Brady stated yeah, it's just...I agree. I think it's a small impact because...or none because you're building the same thing.

Board Member Montesano stated not quite.

Board Member Brady stated well...

Board Member Montesano stated hopefully this one will be better.

Board Member Taylor stated well...

[Laughter].

Board Member Taylor stated visually...

Board Member Ladau stated how can you say that. This is one of the wonders of the architectural world.

Board Member Montesano stated yeah, that's it.

Chairman McNulty stated okay, we have 9 (g) is a blank for...

Board Member Brady stated it was those contractors that ruined it.

Board Member Ladau stated that's right.

Board Member Brady stated it wasn't the architects.

Board Member Ladau stated obviously.

Chairman McNulty stated 9(g) is other impacts. Aesthetic impact, what would we have here.

Board Member Taylor stated I think we...

Chairman McNulty stated other than the ridgeline.

Board Member Taylor stated covered it.

Chairman McNulty stated well, we didn't...It doesn't really call out a ridgeline in here. We have concerns...

Board Member Brady stated you've got the trees.

Chairman McNulty stated that the...There's a ridgeline where they want to build on the high points and I want to note that.

Board Member Taylor stated well, okay. We can note it.

Chairman McNulty stated specifically to this project.

Board Member Taylor stated alright, but it's not another impact. That was the impact we were concerned about up here. I mean, we could note why we're concerned about these up here, they're building on the ridgeline.

Chairman McNulty stated other impacts, this would be to clarify the...

Board Member Taylor stated so we could, yeah.

Chairman McNulty stated possible building on a ridgeline.

Board Member Taylor stated alright, so we can write it in there. I think the wording is a little...Yeah.

Chairman McNulty stated I just said it.

Board Member Taylor stated the ridgeline.

Chairman McNulty stated and I would mark that as a large. I don't know, moderate to large.

Board Member Ladau stated mmhmm.

Board Member Taylor stated well, that's...

Chairman McNulty stated okay.

Board Member Montesano stated alright, we'll see what happens.

Board Member Brady stated now what happens, they have to respond to this.

Board Member Taylor stated no.

Board Member Brady stated no.

Rich Williams stated if you...

Board Member Taylor stated we have to complete Part 3.

Rich Williams stated if...Yeah. If you check off moderate to large impact that somebody should be doing a Part 3 to talk about the impact and whether it can be mitigated or whatever information you need to develop on this.

Chairman McNulty stated you said somebody.

Rich Williams stated somebody.

Board Member Taylor stated well, I think...

Chairman McNulty stated doesn't have to be the applicant.

Board Member Taylor stated it can't be the applicant. It's got to be us.

Ron Gainer stated well, no. At the end of the day you need to endorse whatever is offered. But the applicant may wish to provide a Part 3 elaboration just to get the ball started.

Chairman McNulty stated mmhmm. Okay.

Ron Gainer stated because he has, obviously, a vested interest. You may not accept his proposals or responses, but...

Chairman McNulty stated got you.

Ron Gainer stated he's going to want the ability to at least offer some text for you to consider.

Board Member Brady stated yeah, I would think that he would want to answer to us, you know, or at least address some of them.

Ron Gainer stated they don't want to...

Board Member Brady stated because they're going to be...he's going to be jumping up and down when he sees some of them but that's...

Ron Gainer stated right.

Board Member Brady stated so be it.

Chairman McNulty stated okay, item 10: Impact on Historic and Archeological Resources. They have no selected.

Board Member Taylor stated yeah, I would agree.

Chairman McNulty stated and if our historian agrees, I'm good with that.

Board Member Taylor stated well again, because it's designated resources.

Chairman McNulty stated mmhmm. Yeah.

Board Member Taylor stated and besides, there's nothing there anyway. It's not in a place where the Indians would have made a rock shelter. There weren't farm buildings that I could see. So...

Chairman McNulty stated okay.

Board Member Taylor stated there's nothing there.

Chairman McNulty stated that brings us to number 11: Impact on Open Space and Recreation. They have selected no. We have had some discussion about this in our meetings. On existing parks, recreations...

Board Member Ladau stated witness the mattresses. Does that qualify as recreation.

[Laughter].

Board Member Brady stated the basketball court.

Board Member Montesano stated yeah, it's a trampoline mattress.

Board Member Brady stated well, they're going to redo the pool, right. Didn't they say they're going to redo the pool.

Rich Williams stated this is really not about what they're going to provide in recreation.

Board Member Taylor stated no.

Rich Williams stated this is about what they're taking away.

Chairman McNulty stated what the impact...

Board Member Brady stated impacting, okay.

Board Member Taylor stated yeah, they're not taking anything away.

Ron Gainer stated its impacts to.

Chairman McNulty stated so really they're going to be an impact on the local trail ways and really the only locally park available to them, Town park, would be Maple Avenue, correct.

Board Member Taylor stated but again, they're not...

Rich Williams stated but this is not about Maple Avenue Park or any increased need for recreation.

Board Member Taylor stated read...

Chairman McNulty stated oh.

Rich Williams stated it's about taking it away.

Chairman McNulty stated got you. Got you.

Rich Williams stated you know, are they going to build in an open space area. Are they going to eliminate a park with these condominiums.

Chairman McNulty stated so no is the correct answer.

Board Member Brady stated and then no is correct, yes.

Board Member Taylor stated yeah.

Chairman McNulty stated okay. Brings us to number 12: Impact on Critical Environmental Area.

Board Member Taylor stated again, that's...

Chairman McNulty stated that's...

Board Member Taylor stated that's defined things.

Chairman McNulty stated yup.

Board Member Taylor stated so that a no.

Chairman McNulty stated that's no.

Board Member Taylor stated okay. Transportation. Here we go.

Chairman McNulty stated 13.

Board Member Montesano stated uh oh.

Chairman McNulty stated impact. The proposed action may result in a change to existing transportation systems. See Part 1. D. 2.

Board Member Taylor stated alright.

Board Member Ladau stated does that include traffic.

Board Member Taylor stated yes. A...

Board Member Ladau stated the traffic study that was done by Chazen says that there won't be any increase traffic and I think that that's the craziest thing I've ever heard.

Ron Gainer stated well, there's an increase traffic, they just don't see it as being an adverse impact.

Board Member Brady stated right.

Ron Gainer stated they acknowledge this increase traffic on that on and off the site.

Board Member Brady stated okay.

Board Member Ladau stated yeah, but you're dumping it onto roads that are already inadequate.

Ron Gainer stated right, and the Board has raised that.

Board Member Taylor stated which is what (a) is: Projected traffic increase may exceed capacity of existing road network.

Board Member Ladau stated yes.

Board Member Taylor stated that's what we're saying. So major or large. B: it's 500 or more cars is the threshold so that's doesn't apply. It's a no.

Board Member Montesano stated Part 2.

Board Member Taylor stated existing transit access. There is no existing transit access, is there.

Chairman McNulty stated is there a bus stop down at the bottom of the...

Rich Williams stated school bus stop.

Chairman McNulty stated no Putnam County Transit bus stops.

Rich Williams stated there is no transit there at this time.

Board Member Taylor stated so that doesn't apply. Pedestrian or bicycle accommodations. There aren't any, again, that doesn't apply. The proposed action may alter the present pattern of movement of people or goods. That kind of fits in with (a), doesn't it.

Board Member Ladau stated mmhmm.

Board Member Taylor stated if we overload the road network, it's going to do something to the patterns the way things are going.

Board Member Ladau stated yeah.

Board Member Montesano stated it's only your imagination.

Board Member Taylor stated you know, it...

Chairman McNulty stated I would be in agreement that yes, moderate to...on one...

Board Member Taylor stated to large.

Chairman McNulty stated on 13(e).

Board Member Taylor stated yeah.

Board Member Brady stated yeah, I agree because I don't think their traffic studies have answered all the questions we've asked.

Chairman McNulty stated and then there's an item for other impacts.

Board Member Taylor stated so you want to stick in our concern about the fact that...

Chairman McNulty stated they haven't addressed road geometry.

Board Member Taylor stated yeah, that's...The road network, as it's being used, can't take the loads they're talking about. Or may not be able to. It needs to be looked at more, at least.

Chairman McNulty stated we need to look at additional items to survey the road condition...

Board Member Ladau stated mmhmm.

Chairman McNulty stated more than the volume.

Rich Williams stated hey Ron, did you ever generate anything on that. You did, right.

Ron Gainer stated yeah. They haven't responded to it. You gave them those graphics.

Rich Williams stated I got to make sure they have it.

Ron Gainer stated that goes back. I think they got it.

Chairman McNulty stated okay, we're good with traffic. I wrote that in the wrong spot.

Board Member Taylor stated yeah.

Chairman McNulty stated that brings us to 14: Impact on Energy. The proposed action may cause an increase in the use of any form of energy.

Board Member Taylor stated it's got to be a yes.

Chairman McNulty stated yes.

Board Member Ladau stated yes.

Board Member Taylor stated I mean why would you word a question like that. It's like, anything that you do is going to have...

Board Member Ladau stated yeah.

Board Member Taylor stated on energy. Unless, well, I suppose if you're generating...

Chairman McNulty stated not if it's a chicken farm.

Board Member Taylor stated energy then it wouldn't.

Chairman McNulty stated and they have selected moderate to large on items (a) and (d).

Rich Williams stated you have the (a) box checked.

Board Member Taylor stated no. The (z) box is...They have no checkmark there.

Chairman McNulty stated oh, (b) is checked. I'm sorry.

Board Member Taylor stated yeah. We don't know whether it will require an upgrade.

Rich Williams stated they're not going to require an upgrade to a substation.

Board Member Taylor stated okay. So that should be a no then.

Board Member Ladau stated are you sure about that, Rich. I mean, they're doubling the capacity with that Part 1 or whatever the heck they call downhill.

Rich William stated yeah, with the biennial electricity running through those substations, they're going to be fed off of the Terry Hill substation. That Terry Hill substation provides power for all of Fair Street, Bullet Hole Road, all the way down through Terry Hill, all of Lake Carmel.

Board Member Ladau stated okay.

Rich Williams stated you know, I mean, the increase in 80 additional units comparatively...

Board Member Ladau stated right.

Rich William stated to the, you know, 1,000-1,200 homes they're currently servicing with the businesses.

Board Member Ladau stated okay.

Board Member Brady stated and I would think that's something that they would want to...They would have checked into before they...

Ron Gainer stated right.

Board Member Brady stated got to this point anyway because...

Board Member Montesano stated didn't they upgrade that over at...

Board Member Brady stated they wouldn't be building a new substation (inaudible).

[Laughter].

Rich Williams stated huh,

Board Member Montesano stated didn't they upgrade Terry Hill when we went down there and...

Chairman McNulty stated they're working on it.

Rich Williams stated with Terry Hill, that turned into a big mess.

Board Member Brady stated you know the power company wouldn't build them.

Board Member Ladau stated yeah.

Chairman McNulty stated okay. Item 15: Impact on Noise, Odor and Light. Proposed action may result in an increase in noise, odors or outdoor lighting. They've selected yes. I would be in agreement with that.

Board Member Brady stated yeah.

Chairman McNulty stated um...

Board Member Taylor stated because of the blasting; that's why they've selected it.

Chairman McNulty stated I would think the outdoor lighting could be a concern because we don't know what it is.

Board Member Taylor stated alright, that would come...Is there...

Rich Williams stated but you do know that it's going to have to meet our Town Code requirements and our Town Code Requirements specify a specific lumens at the property line in order to ensure that there isn't a problem.

Board Member Taylor stated so that's another one that's covered by regulation.

Rich Williams stated to some degree, yeah.

Chairman McNulty stated so it's a concern...

Ron Gainer stated noise also covers construction issues as well, right.

Chairman McNulty stated yeah.

Rich Williams stated yup.

Ron Gainer stated construction's going to get addressed in that.

Chairman McNulty stated so what, it's a concern but it's a small concern: to no or small impact.

Ron Gainer stated you get noise (inaudible).

Chairman McNulty stated I would be in agreement with item (b) though, the blasting is large to moderate.

Board Member Brady stated yeah.

Chairman McNulty stated okay, number 16. Item...Impact on Human Health.

Board Member Ladau stated mental or physical.

Chairman McNulty stated they selected no.

Board Member Montesano stated (inaudible).

Chairman McNulty stated no. They've selected no.

Ron gainer stated we can't help you.

[Laughter].

Board Member Taylor stated I would agree with that.

Chairman McNulty stated I'm in agreement as well.

Board Member Taylor stated again, it's another high...heavily regulated area.

Board Member Montesano stated why. Look, they did do it us. Stressing us all the time.

Chairman McNulty stated nah. And number 17: Consistency with the Community Plans. They've selected no. Proposed action is not consistent with the adopted land use plans. Now, the Town Board has adopted that it's acceptable, correct.

Board Member Brady stated right.

Rich Williams stated yup.

Board Member Brady stated yup.

Board Member Taylor stated well, it's, again, I think that it's qualified. I think this is something we've got to talk about more. They've accepted but under certain conditions. There are some condition built into this.

Chairman McNulty stated such as the overlay.

Board Member Taylor stated built into the overlay that either are implied. And this is a question that Mike's got to answer [referring to Mike Liguori] straight instead of keep bouncing around it.

Rich Williams stated Mike who, Griffin.

Board Member Taylor stated no. Liguori.

Rich Williams stated oh.

Board Member Taylor stated because at this point I would argue that they're in...Unless they build units that they can guarantee are going to be occupied by senior citizens, they will be in violation of the comprehensive plan.

Rich William stated they will be in violation of the Zoning Code.

Board Member Taylor stated well, both. But also the Comprehensive Plan.

Rich William stated but the Comprehensive Plan is a policy document. It's not a regulatory document such as the Zoning Code. So you're not ever really going to...You may not be compliance with the Comprehensive Plan, but you're going to be in violation of the Zoning requirements.

Board Member Taylor stated okay, so...But if they're not in compliance with the Comprehensive Plan, I think even though it's not regulatory, it's suggestive of things that we're supposed to be weighing and therefore it should be checked yes here. I think this is an issue we have to look at more is all I'm saying.

Chairman McNulty stated and I think if you look at 17(e), I think that's one of our concerns, is density.

Board Member Taylor stated yeah. Exactly. So I would say this is another one...

Chairman McNulty stated I mean, it is...

Board Member Taylor stated that we deal with down the road and not say that they've solved it at this point.

Chairman McNulty stated well, I would say yes to this. I don't know...Looking for everybody else's opinion as well. And one...17(e) definitely a moderate to large impact may occur.

Board Member Brady stated but can you...

Chairman McNulty stated considering it's an R-4 zoning district that's in an overlay, you know, it's somewhat inconsistent with that area.

Board Member Brady stated but the first question asked is there an impact and you're saying no.

Chairman McNulty stated no, I'm saying yes.

Board Member Taylor stated no, no, no. He's saying...

Board Member Brady stated oh, you're saying yes.

Chairman McNulty stated change it to yes.

Board Member Taylor stated change it to yes.

Board Member Montesano stated yeah, but...

Board Member Brady stated oh, change it to yes.

Chairman McNulty stated change 17...

Board Member Montesano stated can we supersede...The Town Board...

Chairman McNulty stated proper yes.

Board Member Montesano stated has superseded it by...

Board Member Ladau stated Ron, what page is this on.

Board Member Montesano stated saying it's okay.

Board Member Taylor stated no, I don't think they have. They have said it's okay under certain conditions.

Board Member Montesano stated alright.

Board Member Taylor stated if they meet these conditions, then it's okay.

Chairman McNulty stated and that's on us as a Planning Board to oversee these conditions.

Board Member Montesano stated alright. And the conditions are...

Board Member Taylor stated that they be senior citizen housing.

Chairman McNulty stated well, it's active...

Board Member Taylor stated or active adult...

Chairman McNulty stated adult.

Board Member Taylor stated housing, however it's defined in the Code. And that the occupants be 55 and older.

Board Member Montesano stated well then you're right. Mike's got to answer the question, can we put that, even the Town Board, put that down as a restriction. That it's got to be guaranteed to 55 and older.

Board Member Taylor stated they have to mitigate that potential impact. Yeah.

Board Member Montesano stated the trick I'm looking at is fine, I go in, I buy it. I let my grandkids move in it.

Board Member Taylor stated but...

Board Member Montesano stated is it stipulated in there that I can't do that.

Board Member Taylor stated the Town Code says the residents, not the owners, the residents have to be 55 and older.

Chairman McNulty stated alright, well let's go...let's look at each item here.

Board Member Ladau stated but wait. Let's move that forward just a little bit. If in fact as they go forward in developing this, they can't sell the units, do they plead hardship and come back and say, look I've got...

Board Member Montesano stated well, the Federal Government has already been on this that says you cannot tell a person they must be 55...

Board Member Ladau stated that's correct.

Board Member Montesano stated to move into a community.

Board Member Ladau stated yeah.

Board Member Montesano stated and they've already beaten it. So, they're telling us yes, this is what we're going to do. But we know that not...May not be telling you the truth.

Chairman McNulty stated okay, well let's look at each one of these items. 17(a).

Board Member Taylor stated (c).

Chairman McNulty stated (a) is a no.

Board Member Taylor stated well, it's not in sharp contrast, right.

Board Member Brady stated no.

Chairman McNulty stated no, because you have Fox Run.

Board Member Taylor stated yeah. It's there.

Chairman McNulty stated okay, (b). It's not going to change by 5%.

Board Member Taylor stated no.

Board Member Brady stated no.

Chairman McNulty stated (c).

Board Member Taylor stated my argument is if they don't follow certain things, it will be in violation of the land use plans. It will be inconsistent with the land use plans and in violation of the zoning regulations.

Chairman McNulty stated yeah, that's a tough one.

Board Member Taylor stated is that the right wording.

Board Member Ladau stated Ron, what page are you on.

Chairman McNulty stated but I see...But it's currently in...It is consistent.

Board Member Taylor stated we're on 10 of 10.

Rich Williams stated Ron, if they don't follow certain requirements that are laid out within Zoning Code, you can't approve it.

Chairman McNulty stated yeah.

Board Member Taylor stated exactly.

Rich Williams stated so, then they're still not in violation because they don't have a project.

Board Member Taylor stated well, but that's...

Chairman McNulty stated I would say...

Board Member Taylor stated okay.

Chairman McNulty r stated (c) is small to no impact because they've...we've changed the zoning to work for this. It's not inconsistent with the zoning. I understand...I heard what you said. But I think that's on a lot of ifs and would bes and could bes.

Board Member Taylor stated which is what all this is about. Is there a potential for a significant...If...There are a lot of people in here who buy or rent these houses, these condominiums, who have two kids in school...

Board Member Ladau stated mmhmm.

Board Member Taylor stated they're whole argument goes out the window.

Chairman McNulty stated yeah, but that was addressed in our density issue.

Board Member Taylor stated well...

Chairman McNulty stated and previous pages.

Board Member Taylor stated but we're also coming at it again here.

Board Member Ladau stated yeah.

Board Member Taylor stated because the density is in the Comprehensive Plan.

Chairman McNulty stated yeah but it's...The question is, is it consistent with our plan.

Board Member Taylor stated I'm saying it isn't consistent with our plan.

Chairman McNulty stated and I'm disagreeing with you.

Board Member Taylor stated okay. Well, how do other people feel.

Board Member Ladau stated I think...I agree with you Ron, that it is inconsistent. There is...In terms...Even if you've got someone buys this property age 55, there's no guarantee that they will not have children of school age.

Board Member Taylor stated Ed.

[Laughter].

Board Member Ladau stated no, just in general.

Board Member Brady stated I've got a...

Board Member Taylor stated yeah.

Board Member Brady stated I have a 10 year old.

Board Member Taylor stated yeah.

Board Member Ladau stated yeah.

Board Member Montesano stated the thing is this. We have...

Chairman McNulty stated it's a good consensus.

Board Member Montesano stated now that we have a new title...

Chairman McNulty stated I would day it's a large to moderate thing.

Board Member Taylor stated so we just check it...

Chairman McNulty stated yup.

Board Member Montesano stated it's 55 plus, which is fine. But at the present time, we cannot seem to get a definitive answer from the owners of this property. Are they coming in when they find out that they can't sell them all because...You've got to look at it this way. These people are going to pay a lot of money for a 55 or older piece of property.

Board Member Ladau stated mmhmm.

Board Member Montesano stated with all due respect, sooner or later one of them will pass on to whatever happens. That means that property is going to be handled by some kid and that kid is not going to sit that and care anything about it and get rid of it or the contractors themselves will be able to sell 30 units and suddenly find out that they can't sell the other...

Board Member Ladau stated yeah.

Board Member Taylor stated so that...

Board Member Montesano stated and what are we going to do, they're going to come in here and say well we can't sell them and they'll go to court...

Board Member Ladau stated oh, absolutely.

Board Member Montesano stated and some judge will say you're right. You can't sell them. So go ahead sell them to everybody.

Board Member Ladau stated that's right.

Board Member Montesano stated they know this.

Chairman McNulty stated okay. So we'll list 1(c) as a moderate to large impact which moves us along to...17(c). We'll go to 17(d).

Board Member Taylor stated it's not inconsistent with County plans, is it.

Chairman McNulty stated County or regional plans.

Board Member Taylor stated yeah.

Chairman McNulty stated that would be a no. And then with 17(e).

Board Member Taylor stated I would agree with...We already said we agree with a large...

Chairman McNulty stated yup.

Board Member Taylor stated for that one.

Chairman McNulty stated mmhmm. 17(f).

Board Member Taylor stated low density. Well, except it's not a low density area.

Chairman McNulty stated not with Fox Run next to it.

Board Member Taylor stated yeah.

Board Member Ladau stated yeah.

Board Member Montesano stated well, that's a no.

Board Member Taylor stated but it might require new or expanded public infrastructure, but that's covered by...in terms of recreational stuff, it's covered by the recreational fee, right. So that's covered then. We don't have to worry about that one.

Chairman McNulty stated 17(g): the proposed action...

Board Member Taylor stated oh, we could only hope that it would.

[Laughter].

Rich Williams stated that would be a positive impact.

Board Member Taylor stated yes. Let's put some pizza stores out there and some delis.

Board Member Montesano stated there you go.

Chairman McNulty stated hey.

Board Member Montesano stated they'll rent apartments.

Chairman McNulty stated and we're down to the last item, number 18: Consistency with Community Character. They have selected no. The proposed project is inconsistent with the existing community character and no has been selected. There is a condo complex right next door.

Board Member Brady stated but we don't really know what it's going to look like.

Board Member Ladau stated yeah, but in terms of density, etcetera.

Board Member Taylor stated yeah, look at (b) though.

Board Member Ladau stated yes.

Board Member Brady stated oh. Absolutely.

Board Member Taylor stated and that's part of our concern.

Chairman McNulty stated mmhmm.

Board Member Brady stated yup.

Board Member Taylor stated that that's exactly what's going to happen.

Board Member Ladau stated mmhmm.

Board Member Taylor stated so we should check yes at the top.

Chairman McNulty stated yeah, I agree.

Board Member Taylor stated and check...

Chairman McNulty stated yes for (b). Moderate to large impact.

Board Member Taylor stated replace our (a)...It's not going to replace anything. It's not going to...(c), it's not going to displace housing. It's not going to...

Chairman McNulty stated any architectures will be better than what's in Fox Run.

Board Member Taylor stated yeah. Natural landscape...yeah. Of course it will be inconsistent with the natural landscape. Okay. That enough for tonight, isn't it.

Chairman McNulty stated that was riveting.

Board Member Taylor stated next month we deal with part E...Part 3.

Rich Williams stated alright, what I'm going to do is I'm going to redo this whole thing, circulate it to everybody. You can double check my responses.

Chairman McNulty stated okay. And other comments on Fox Run.

Board Member Brady stated you'll have it done by tomorrow.

Rich Williams stated excuse...

Board Member Brady stated you'll have it done by tomorrow.

Rich Williams stated probably.

[Laughter].

Board Member Brady stated 8 o'clock.

Chairman McNulty stated he doesn't go home.

Rich William stated maybe.

Board Member Brady stated I see you driving by at 7:30.

Chairman McNulty stated any other comments.

Rich Williams stated well then I'm late.

Chairman McNulty stated anything for anybody.

Board Member Taylor stated at the meeting I want to ask Mike, give us a straight on some of these or start researching some of these things. That....The wording of the Code. I mean, our Mike here pointed out that's probably in violation of Federal Law or the Supreme Court, whatever, the wording of the Code.

Rich Williams stated it's not.

Board Member Taylor stated it's not. Okay. Then we can go on that then. If we can go on that, then I think that's important. That's all. I have a few questions to ask him about things to get ready for.

Chairman McNulty stated okay.

Board Member Ladau stated this is off the record, not to be included...

Chairman McNulty stated oh.

Board Member Montesano stated oh, you can't say that.

Chairman McNulty stated motion to close the work session.

Board Member Montesano stated second.

Chairman McNulty stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 9:33 p.m.